

**French-Speakers, American Citizens: Government, Community, and Survival in the American  
Illinois Country, 1778-1787**

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Graduate Studies and Research  
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For the Degree of Master of Arts  
In the Department of History  
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## **Abstract**

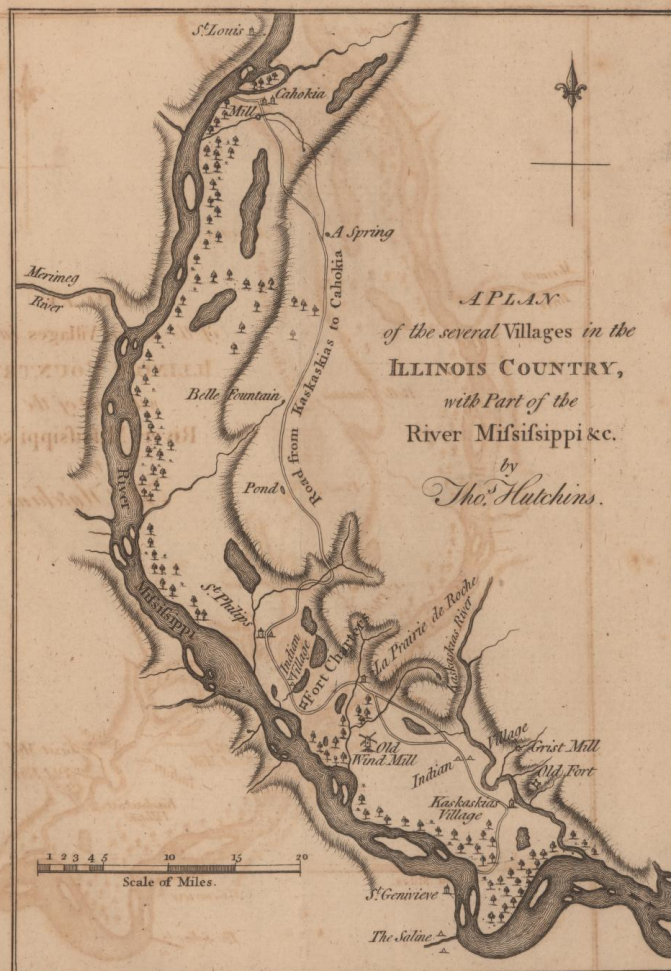
In less than thirty years, the French-speaking inhabitants of the Illinois Country went from French, and then British colonial subjects, to American citizens. This thesis examines that final regime change and the transition to life under the newly formed America republic. It focuses on the French-speaking residents of two middle Mississippi Valley communities, Kaskaskia and Cahokia, as they adapted first to Virginian and then to American jurisdiction. This study begins with George Rogers Clark's capture of Kaskaskia on July 4, 1778, the first step toward Virginian possession of the Illinois Country, and concludes in 1787, when a plan for American governance of the West was enacted with the proclamation of the Northwest Ordinance. It contends that from 1778 to 1787, French-speaking inhabitants strategically and actively participated in the changing political climate on the American side of the middle Mississippi Valley.

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London Published according to Act of Parliament Novemb<sup>r</sup> 5<sup>th</sup> 1778 by Tho<sup>s</sup> Hutchins.

Original in the John Carter Brown Library at Brown University

Map courtesy of the John Carter Brown Library at Brown University.<sup>1</sup>

<sup>1</sup> Thomas Hutchins, "A Plan of the several Villages in the Illinois Country, with Part of the River Mississippi &c.," *A topographical description of Virginia, Pennsylvania, Maryland, and North Carolina, comprehending the rivers Ohio Kenhawa, Sioto, Cherokee, Wabash, Illinois, Mississippi &c.* (London: J. Almon, 1778), 40-41.

## Introduction

On July 4, 1776 the Continental Congress adopted the Declaration of Independence and announced the formation of a new nation-state, the United States of America. Following the official declaration of war, British colonial troops were withdrawn from the middle Mississippi Valley to Detroit and Michilimackinac to protect the critical centres of the British fur trade in the Great Lakes region.<sup>2</sup> A single administrator, Philippe-François Rastel de Rocheblave, was left to manage and defend the British Illinois Country, an immense territory situated between the Mississippi, Ohio, Illinois, and Wabash rivers.<sup>3</sup> The withdrawal was strategic; the British colonial government anticipated that the Anglo-American rebellion would remain contained within the Thirteen Colonies and would not extend to the western borderlands.<sup>4</sup> Two years later, Virginian Colonel George Rogers Clark brought the American Revolutionary War to the middle Mississippi Valley.

The Illinois Country had not always been a part of the British colonial empire. French missionaries, traders, and settlers had worked alongside local Indigenous peoples to establish a number of villages in the territory throughout the first half of the eighteenth century. In less than thirty years, the French-speaking inhabitants of the Illinois Country went from French, and then British colonial subjects, to American citizens. This thesis examines that final regime change and the transition to life under the newly formed America republic. It focuses on the French-speaking residents of two middle Mississippi Valley communities, Kaskaskia and Cahokia, as they

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<sup>2</sup> Reginald Horsman, "Great Britain and the Illinois Country in the Era of the American Revolution," *University of Illinois Press* 69 no. 2 (May: 1976), 102.

<sup>3</sup> For a map of the Illinois country see: Robert Englebert, "Merchant Representatives and the French River World," *Michigan Historical Review* 31 no. 1 (Spring: 2008), 67. Robert Englebert, "Beyond Borders: Mental Mapping and the French River World in North America" (PhD diss., University of Ottawa, 2010), 147.

<sup>4</sup> Horsman, "Great Britain and the Illinois Country," 103.

adapted first to Virginian and then to American jurisdiction. This study begins with George Rogers Clark's capture of Kaskaskia on July 4, 1778, the first step toward Virginian possession of the Illinois Country, and concludes in 1787, when a plan for American governance of the West was enacted with the proclamation of the Northwest Ordinance. It contends that from 1778 to 1787, French-speaking inhabitants strategically and actively participated in the changing political climate on the American side of the middle Mississippi Valley. The three chapters are arranged chronologically and comparatively in order to understand the progression of events and adaptation of French strategic responses over time.

Chapter one examines French-speaking residents of Kaskaskia and Cahokia jointly, as they negotiated the early stages of American citizenship under the state of Virginia's provisional government. Titled "From Illinois Country to Illinois County," this chapter explores the period following George Rogers Clark's successful Illinois campaign in July of 1778, at which time the Virginian legislature passed a bill temporarily creating the "county of Illinois" to administer and defend the newly captured territory.<sup>5</sup> The takeover drew the middle Mississippi Valley and its French-speaking inhabitants into the American Revolutionary War, which decisively affected the relationship between the newly-minted American citizens and the Virginian state government. Ultimately, this chapter demonstrates that French-speaking residents in both middle Mississippi Valley communities strategically adapted to the Virginian takeover and occupation in a variety of ways to protect their business and family interests.

The ambiguity of church and state jurisdictions in the middle Mississippi Valley in the mid-1780s is the focus of chapters two and three. As the American Revolutionary War drew to a

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<sup>5</sup> This bill had a limited term and was only a temporary measure that expired after the next legislative session. Clarence Walworth Alvord, *The Illinois Country 1673-1818*(Chicago: Loyola University Press, 1965 c. 1922), 335.



close between 1782 and 1783, the state of Virginia completed its legislative and military withdrawal from the American Illinois Country.<sup>6</sup> Jurisdiction over the western territory was relinquished to the federal government, yet a formal administration was not re-established until the Continental Congress passed the Northwest Ordinance of 1787. In this five-year waiting period a vacuum of authority formed in the American Illinois Country. In the absence of government oversight, events at Cahokia and Kaskaskia occurred in distinct contrast. The conditions at the two villages are examined in separate chapters in order to fully assess the disparate outcomes.

Chapter two investigates the French-speaking residents of Kaskaskia, as the village administration collapsed into political turmoil from 1782-1785. The three-year period re-evaluates the pattern of disruptive events at Kaskaskia from a French perspective and demonstrates that in the absence of legal and religious institutions, the village was ill-equipped to govern French-speaking residents let alone Anglo-American newcomers. The absence of these persuasive mechanisms of social control expedited the breakdown of civil government at Kaskaskia.

Finally, chapter three studies the French-speaking residents of neighbouring Cahokia, which remained comparatively stable during the period between state and federal government. Titled “Protection and Projection of French Customs at Cahokia, 1782-1787,” this study examines the preservation and administration of French culture at Cahokia. Against the backdrop of political upheaval in the Ohio Valley, and in various villages of the Illinois Country like Vincennes and Kaskaskia, French-speaking inhabitants resolved to fill the vacuum of authority at Cahokia through the maintenance of legal and social continuity. This chapter argues that the

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<sup>6</sup> Ibid., 354.

community at Cahokia employed and projected French customs to maintain order, manage property, and regulate a newly arrived American population.

### **History of the Illinois Country**

In 1673 Father Jacques Marquette and Louis Joliette conducted the first documented French exploration of the Illinois Country. The promise of missionary and trade opportunities in the North American interior prompted the expedition, despite official opposition from the metropole.<sup>7</sup> Marquette, a Jesuit missionary, founded the Immaculate Conception mission among the Aboriginal people, the Kaskaskia, two years later.<sup>8</sup> In 1679 the mission and community were relocated along the Metchigamea River to the site that became the village of Kaskaskia. The priests of the Seminary of the Foreign Mission established a permanent location for the rival Holy Family Mission at the Cahokia/Tamaroa village.<sup>9</sup> Three waves of French migration followed the early missionaries and traders from New France, until the final wave (1733-1752) established a stable population.<sup>10</sup> The French settlements developed into a complex society of *Canadien*, French from France, métis, Aboriginal, English, Scottish and Anglo-American people.<sup>11</sup> The diverse population was largely concentrated in the middle Mississippi Valley between the Illinois and Ohio rivers, where the villages of Kaskaskia and Cahokia, Ste. Genevieve, Prairie du Rocher, Chartres, and St. Philippe were established.<sup>12</sup> To the northeast, the

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<sup>7</sup> Englebert, "Beyond Borders," 43; Robert Michael Morrissey, *Empire by Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015): 41-43.

<sup>8</sup> Daniel Hechenberger, "The Jesuits: History and Impact: From Their Origins Prior to the Baroque Crisis to Their Role in the Illinois Country," *Journal of the Illinois State Historical Society* 100 no. 2 (Summer: 2007): 93, 96-97.

<sup>9</sup> Alvord, *The Illinois Country*, 102. Englebert, "Beyond Borders," 49.

<sup>10</sup> Jacques Mathieu, Pauline Therrien-Fortier, Rénald Lessard, "Mobilité et sédentarité: stratégies familiales en Nouvelle-France," *Recherches sociographiques* 28 no. 2-3 (1987): 23; Also used in: Englebert, "Beyond Borders," 49.

<sup>11</sup> Englebert, "Beyond Borders," 74.

<sup>12</sup> Located in the present-day states of Missouri and Illinois. Robert Englebert, "Beyond Borders," 144. St. Louis was founded in 1764 by Pierre Laclède and Auguste Chouteau, and was located on the west side of the Mississippi River in Spanish Upper Louisiana.

villages of Vincennes, Ouiatenon, and Peoria were located along the Wabash and Illinois rivers.<sup>13</sup>

The close proximity of French settlements to bodies of water was deliberate; waterways served as the transportation highways of the eighteenth century.<sup>14</sup> The “French river world,” a network of socio-economic exchanges and relationships that linked French settlements, demonstrated the critical function of the North American rivers systems in the period.<sup>15</sup> The distance from centres of colonial authority in Quebec and Louisiana caused traders and merchants to travel “the river highways” to their destinations.<sup>16</sup> French residents also relied on the Mississippi River for the transportation of agricultural goods downriver to New Orleans, beginning as early as 1713.<sup>17</sup> Officially made part of the colony of Louisiana in 1717, the Illinois Country became the “breadbasket” of the French colony throughout the French colonial period; Lower Louisiana was “ill suited for cereal-grain production.”<sup>18</sup> Farmers (*habitants*) cultivated maize and wheat, as well as rye, tobacco, hemp, pumpkins, and beans or turnips were occasional supplements.<sup>19</sup> Property in the middle Mississippi Valley was organized according to an open-field agricultural system, similar to the settlement patterns in rural France during the early modern period.<sup>20</sup> Winstanley Briggs used this manorial village experience to draw a direct comparison of French Illinois villages and colonial New England settlements, which he argued shared similarities in the creation of idealized societies away from the interference of the

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<sup>13</sup> Located in the present-day states of Illinois and Indiana.

<sup>14</sup> Englebert, “Merchant Representatives,” 81.

<sup>15</sup> Ibid., “Beyond Borders,” i.

<sup>16</sup> Ibid., “Merchant Representatives,” 81.

<sup>17</sup> Ekberg, *French Roots in the Illinois Country*, 216; Winstanley Briggs, “Les Pays des Illinois,” *The William and Mary Quarterly*, Third Series, 47 no. 1 (Jan., 1990): 50-51.

<sup>18</sup> Ekberg, *French Roots in the Illinois Country*, 215-224.

<sup>19</sup> Ibid., 192.

<sup>20</sup> Carl J. Ekberg, “Agriculture, “Mentalités”, and Violence on the Illinois Frontier,” *Illinois Historical Journal*. 88 no 2 (Summer: 1995): 103; Briggs, 31.

metropole.<sup>21</sup> Carl J. Ekberg corrected this notion and demonstrated the disparity between Anglo-American and French-speaking *mentalités*. The unique communal agricultural system influenced the composition of village society in the middle Mississippi Valley, since the pattern required a distinctly cooperative *mentalité* in order to function.<sup>22</sup>

The Peace of Paris, signed February 10, 1763, marked the official collapse of the French colonial empire in North America. The French colonies in mainland North America were transferred to British control with “the scratch of a pen,” while the French metropole retained the sugar-rich Windward Islands and fishing rights at St-Pierre and Miquelon.<sup>23</sup> British colonial troops arrived in the east side of the middle Mississippi Valley on February 18, 1765, after the first nine attempts to reach the newly acquired territory were prevented by Pontiac’s War.<sup>24</sup> The two year delay demonstrated the continued difficulty of administering the distant territory. Britain expended few resources for the protection or development of the Illinois Country, which was not considered strategically important.<sup>25</sup> The territory failed to contribute to the mercantilist economic system and bordered two hostile territories; the treaty of Fontainebleau had secretly ceded the French territory west of the Mississippi River as well as port access at New Orleans to Spain in 1762, and the increasingly unsettled British Thirteen Colonies were located to the east.<sup>26</sup> Though the British promised the Illinois Country a civil government in the Quebec Act of 1774, no such system of government was realized. After years of temporary military administration in

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<sup>21</sup> Briggs, 55.

<sup>22</sup> Ekberg, “Agriculture, “Mentalités”, and Violence on the Illinois Frontier,” 103-110.

<sup>23</sup> Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America*, Pivotal Moments in American History (Oxford & New York: Oxford University Press, 2006): 15, 113-114. W.J. Eccles, *The French in North America 1500-1783* (Markham, ON: Fitzhenry and Whiteside, 1998): 235-238.

<sup>24</sup> Alvord, *The Illinois Country*, 260-261.

<sup>25</sup> Horsman, “Great Britain and the Illinois Country,” 100.

<sup>26</sup> Gilbert C. Din, “Empires Too Far: The Demographic Limitations of Three Imperial Powers in the Eighteenth Century Mississippi Valley,” *Louisiana History: The Journal of the Louisiana Historical Association* 50 No. 3 (Summer 2009), 271-272.

the British Illinois Country, the threat of rebellion along the east coast caused the withdrawal of British colonial troops as well as the administrative plans for the territory.<sup>27</sup> Across the Mississippi River, Spanish Louisiana was also neglected. The Spanish colonial government focused on strengthening its other colonies following the financially ruinous Seven Years' War.<sup>28</sup> In this context, "both Great Britain and Spain had experienced difficulty fitting these costly new territories into their imperial systems."<sup>29</sup> The Illinois Country remained under British colonial jurisdiction for approximately fifteen years, a period that had minimal impact on the region and its residents.<sup>30</sup>

The Virginian conquest marked the last in a series of regime changes in the Illinois Country, as the territory transitioned from French and British colonial administrations to American government. The frequent government changeovers were part of a longer history of internal political upheaval in the territory, as colonial and federal officials determined the role of the distant and sparsely populated territory throughout the eighteenth century. According to Cécile Vidal, the Illinois Country was "was the only French colony in North America which was not born from the expansionist will of the home country, but which arose from the free choice of its first colonists."<sup>31</sup> The early settlement of the Illinois Country frustrated metropolitan designs and compelled French officials to adapt colonial policy to include a governing system for

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<sup>27</sup> Alvord, *The Illinois Country*, 264; Calloway, *The Scratch of a Pen*, 122-123; See also chapter seven, "The Struggle for Civil Government, 1770-1774," in Clarence Edwin Carter, *Great Britain and the Illinois Country, 1763-1774* (Washington: The American Historical Association, 1910): 145-163.

<sup>28</sup> Din, 272.

<sup>29</sup> Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders and American Expansion* (New Haven: Yale University Press, 2010), 35.

<sup>30</sup> Horsman, "Great Britain and the Illinois Country in the Era of the American Revolution," 100.

<sup>31</sup> Cécile Vidal, "The Original Peopling of the Illinois Country, 1699-1765: A Colony of 'Peasants' Not Tied to Their Land," working paper no. 96-29, International Seminar on the History of the Atlantic World, 1500-1800, Harvard University, 1996, 2, quoted in Choquette, "Center and Periphery in French North America," in *Negotiated Empires: Centers and Peripheries in the Americas 1500-1820*, edited by Christine Daniels and Michael V. Kennedy (New York and London: Routledge, 2002), 198.

unauthorized French communities.<sup>32</sup> Throughout the French colonial period the Illinois Country underwent administrative transfers, first organized under the protection of New France (Canada) and later under the new colony of Louisiana.<sup>33</sup> The bureaucratic shifts denoted the unique nature of Illinois Country settlement and triggered what Glenn R. Conrad described as a “decades-long contest between the executives of Canada and Louisiana” for control of the territory.<sup>34</sup> The contention between the French colonies centred on the role of the Illinois Country within the empire, as a strategic military aid for New France or an economic support for Louisiana.<sup>35</sup> Jurisdictional appeals from each of the rival colonies to the crown throughout the French period, however, failed to persuade the metropole to invest resources into the territory.<sup>36</sup> Throughout the Revolutionary War and the Early American Republic, the Illinois Country was again subjected to shifting borders, as the new American nation-state adapted to independence from the British Empire. During the first twenty-five years of American rule the Illinois Country was part of no less than six different systems of government.<sup>37</sup> While the French-speaking communities of the Illinois Country had become accustomed to shifting boundaries, governments, and jurisdictions, the transition to American rule marked a particularly challenging period of change.

### **Historiography**

Clarence Walworth Alvord was the first historian to address the Illinois Country when he authored the seminal work, *The Illinois Country 1673-1818*.<sup>38</sup> The book offers a comprehensive survey of the territory from French exploration and settlement in the late seventeenth century to

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<sup>32</sup> Choquette, “Center and Periphery in French North America,” 200.

<sup>33</sup> Ibid., 199.

<sup>34</sup> Glenn R. Conrad, “Administration of the Illinois Country: The French Debate,” *Louisiana History: The Journal of the Louisiana Historical Association* 36 no 1 (Winter: 1995): 36.

<sup>35</sup> Ibid., 41-42.

<sup>36</sup> Ibid., 53.

<sup>37</sup> Englebert, “Beyond Borders,” 150-151.

<sup>38</sup> Clarence Walworth Alvord, *The Illinois Country 1673-1818* (Chicago: Loyola University Press, 1965 c.1922).

Illinois statehood.<sup>39</sup> Following his examination of the British colonial period, Alvord increasingly adopted an Americanist teleological narrative, particularly evident in his chapter titled “Arrival of the Americans.”<sup>40</sup> The approach gradually excluded French-speaking residents from the narrative and asserted that “there was taking place the most important event in the history of the United States and one of the most momentous in the history of humanity — the occupation of the great Mississippi valley by men of English speech.”<sup>41</sup> Despite the Anglo-American triumphalism that pervades the volume, Alvord remains a critical figure in the historiography of the French Illinois Country due to his masterful study and compilation of French primary documents from the middle Mississippi Valley throughout his career.<sup>42</sup> Indeed, the research and focus of this thesis is grounded in two of Alvord’s edited collections, *The Cahokia Records, 1778-1790* (Springfield, 1907) and *The Kaskaskia Records, 1778-1790* (Springfield, 1909), which contain transcriptions of administrative and legal documents from the two French-speaking villages.<sup>43</sup>

In the twenty-first century, the survival of French-speaking communities in the Illinois Country *after* the collapse of the French colonial empire has received increased attention.<sup>44</sup> In the early 2000s, social histories such as Carl J. Ekberg’s *French Roots in the Illinois Country*

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<sup>39</sup> The American triumphalism apparent in the book has caused Alvord to be closely compared with Frederick Jackson Turner. Robert Englebert, “Beyond Borders,” 17.; John Francis Bannon, introduction to *The Illinois Country 1673-1818*, by Clarence Walworth Alvord (Chicago: Loyola University Press, 1965 c.1922), ix.

<sup>40</sup> See chapter nineteen of Alvord, *The Illinois Country*, 398-427.

<sup>41</sup> *Ibid.*, 414.

<sup>42</sup> For a complete bibliography of Alvord’s published works, see: Solon J. Buck, “Bibliography of the Published Works of Clarence W. Alvord,” *The Mississippi Valley Historical Review* 15 no 3 (December 1928): 385-390.

<sup>43</sup> Clarence Walworth Alvord, ed., *Cahokia Records, 1778-1790*, (Springfield: Trustees of the Illinois State Historical Library, 1907); Clarence Walworth Alvord, ed., *Kaskaskia Records, 1778-1790*, (Springfield: Trustees of the Illinois State Historical Library, 1909).

<sup>44</sup> Carl J. Ekberg, *French Roots in the Illinois Country: The Mississippi Frontier in Colonial Times* (Chicago: University of Illinois Press, 2000); Margaret Kimball Brown, *History as They Lived It: A Social History of Prairie Du Rocher, Illinois* (Tucson: The Patrice Press, 2005); Robert Englebert, “Merchant Representatives and the French River World,” *Michigan Historical Review* 31 no 1 (Spring 2008): 63-82; Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders and American Expansion* (New Haven: Yale University Press, 2010); Robert Michael Morrissey, *Empire by Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015).

(Chicago, 2000) and Margaret Kimball Brown's *History as They Lived It* (Tucson, 2005) examined the social structures and processes that formed French village society. Brown's book focused on Prairie du Rocher, a smaller French-speaking village located in the middle Mississippi Valley, which served as a case study for the "cultural change and community development" of settlements in Southern Illinois or, more broadly, the Midwestern United States.<sup>45</sup> Her investigation concluded that shared values, such as family and church orientation, that organized Prairie du Rocher society in the eighteenth century, remain fundamental to the community's structure in the present day and may explain the continued survival of the rural village.<sup>46</sup> Ekberg's study extended outside conventional political boundaries, as he "subsume[d] the Illinois Country on both sides of the [Mississippi River] as a single, cohesive entity" despite the territory's official division into the British Illinois Country and Spanish Louisiana in the Treaty of Fontainebleau in 1762 and the Treaty of Paris in 1763.<sup>47</sup> He examined the "patterns of land usage, settlement, and agriculture" which, he argued, mirrored the traditional organization of land in Early Modern France rather than the seigneurial system of New France.<sup>48</sup> The open-field land system was unique to the Illinois Country in North America and required the orientation of village society and French *mentalités* toward social cohesion, cultural unity, and community well-being, in order to function.<sup>49</sup>

In his 2008 article, Robert Englebert corrected the longstanding notion that the Illinois Country was entirely distinct or separate in his transcolonial and early transnational examination

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<sup>45</sup> Present-day Prairie du Rocher, Illinois. Margaret Kimball Brown, *History as They Lived It: A Social History of Prairie Du Rocher, Illinois* (Tucson: The Patrice Press, 2005), xix-xxi.

<sup>46</sup> *Ibid.*, 301-12.

<sup>47</sup> Ekberg, *French Roots in the Illinois Country*, 2.

<sup>48</sup> *Ibid.*, 2-3.

<sup>49</sup> *Ibid.*, 239-240, 256-263.



of French kinship and trade networks in North America.<sup>50</sup> Despite the shifting political borders of the eighteenth-century, he argued that French merchants and voyageurs continued to travel the waterways of North America, maintaining a “French commercial empire held together by kinship, commerce, and religion” called the French river world.<sup>51</sup> In his book *The Bourgeois Frontier* (New Haven & London, 2010), Jay Gitlin returned the historical lens to centre on a French-speaking settlement in the middle Mississippi Valley. His urban history examined French bourgeois residents of St. Louis from the 1760s until the 1840s, and demonstrated the successful survival and adaptation of the merchant elite through the American period.<sup>52</sup> The Chouteaus and other prominent French bourgeois families positioned themselves to act as middlemen during the American expansion westward and, according to Gitlin, ensured that they were “in the right place in the right time.”<sup>53</sup> Finally, Robert Michael Morrissey’s 2015 publication contended that there was a tradition of pragmatic collaboration between French, Indigenous peoples, and Empire in the colonial Illinois Country.<sup>54</sup> This mutual exchange between government and subjects, termed an empire by collaboration, has reframed ingrained perceptions of the French colonial system and empire itself. While historians have frequently relegated the French Empire in North America as a “failure,” Morrissey demonstrates that “far more interesting than the question of success or failure is understanding the nature of colonialism itself as a complicated system mutually created by diverse, entangled peoples.”<sup>55</sup>

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<sup>50</sup> Robert Englebert, “Merchant Representatives and the French River World,” *Michigan Historical Review* 31 no 1 (Spring 2008): 63-82.

<sup>51</sup> *Ibid.*, 66.

<sup>52</sup> Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders and American Expansion* (New Haven: Yale University Press, 2010).

<sup>53</sup> *Ibid.*, 81.

<sup>54</sup> Robert Michael Morrissey, *Empire by Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015), 4.

<sup>55</sup> Morrissey, *Empire by Collaboration*, 5.

Despite a growing interest in the survival of French communities and the adaption of residents, histories of the Illinois Country continue to have limited engagement with the American period. Ekberg and Morrissey's recent works each discuss the American period in the conclusion, as the respective end of the French *mentalité* and the pragmatic collaboration with government.<sup>56</sup> Alternatively, the political transition to the United States government is a relatively minor event from the perspective of Englebert and Brown, who each examine larger-scale patterns of social and economic continuity in French-speaking communities. Finally, while Gitlin gives direct attention to the social and economic ramifications of US government in the middle Mississippi Valley, he pays specific attention to the French elite on the west side of the Mississippi River. Apart from these fundamental works, short articles by Donald Chaput, Ekberg, and Brown address specific episodes during the Virginian takeover and transition to American government.<sup>57</sup> Therefore, the coverage of the middle Mississippi Valley and its French-speaking residents during the American Revolutionary War and Early Republic in secondary literature remains intermittent and underdeveloped. This thesis directly contributes to French Illinois Country historiography, and fills the epistemological gap between Alvord's comprehensive state history and recent literature that examines the survival and continuity of French-speaking communities beyond the collapse of the French colonial Empire in North America.

## **Borderlands and Frontiers**

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<sup>56</sup> See: "Conclusion: The End of Collaboration" in Morrissey, *Empire by Collaboration*, 224-239; "Conclusion: Changing Times, Changing Mentalités," in Ekberg, *French Roots in the Illinois Country*, 239-263.

<sup>57</sup> Donald Chaput, "Treason or Loyalty? Frontier French in the American Revolution," *Journal of the Illinois State Historical Society* 71 no 4 (November 1978): 242-251; Carl J. Ekberg, "Agriculture, "Mentalités", and Violence on the Illinois Frontier," *Illinois Historical Journal*. 88 no 2 (Summer: 1995): 101-116; Margaret Kimball Brown, "Kaskaskia and French Kaskaskians as Seen by Clark" in *The Life of George Rogers Clark, 1752-1818: Triumphs and Tragedies* edited by Kenneth C. Carstens and Nancy Son Carstens (Westport, Praeger Publishers: 2004): 32-41.

This thesis is contextually linked to borderland and frontier literature, in terms of both geography and time. In their provocative essay, Jeremy Adelman and Stephen Aron re-examined the use of the words “borderland” and “frontier” in colonial histories and provided new commentary on each construct.<sup>58</sup> They determined that the term frontier connotes “a meeting place of peoples in which geographic and cultural borders were not clearly defined,” whereas the term borderland is designated as “the contested boundaries between colonial domains.”<sup>59</sup> Paul Readman, Cynthia Radding, and Chad Bryant recently criticized this restrictive and colonial-centric definition of borderland history.<sup>60</sup> They contended that while “borders and institutional presences are thus necessary conditions,” borderlands continue to exist in “non-imperial/colonial contexts.”<sup>61</sup> Although this study is centred within the constraints of the republican nation-state, their contention is important and relevant.

The area known as the Illinois Country was naturally positioned as a nexus of exchange well before the arrival of French explorers in 1673. In his recent publication, Robert Michael Morrissey effectively demonstrates that:

The Illinois Country was a borderland, a place of important divisions, natural and cultural. Ecologically [the Illinois Country] was a transition between the two major biomes of the middle of the continent, the grasslands of the West and woodlands of the East. Socially and culturally, it lay between two major cultural groupings of Native North America, Siouan-speakers of the Plains and Algonquian of the Great Lakes.<sup>62</sup>

The middle Mississippi Valley continued to serve as gathering place for social and commercial transactions in the eighteenth century. Robert Englebert has demonstrated that “towns on the

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<sup>58</sup> Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History,” *The American Historical Review* 104 no 3 (June 1999): 814-815.

<sup>59</sup> *Ibid.*, 815-816.

<sup>60</sup> Paul Readman, Cynthia Radding, and Chad Bryant, eds, *Borderlands in World History, 1700-1914* (London: Palgrave MacMillan, 2014), 3.

<sup>61</sup> *Ibid.*

<sup>62</sup> Morrissey, *Empire by Collaboration*, 13-14.

Mississippi River, like Cahokia, Kaskaskia, and Ste. Geneviève, acted as critical junctions between Montreal to the north and New Orleans to the south”<sup>63</sup> throughout the French colonial period. These communities actively participated in the “culture of mobility” through the exportation of furs and flour to the colonial capitals, and thus became hubs for trade and commerce.<sup>64</sup> In the period under examination, the region transitioned from a contested space during the American Revolutionary War to a bordered land within the United States of America. In Leslie Choquette’s examination and complication of the dichotomous “center/periphery relationships in New France,” she contended that for much of its history, the French colony also served as a frontier and borderland.<sup>65</sup> The same is true for the middle Mississippi Valley following its political transfer to Virginian and later American control. The jurisdictional changeover shifted the role of the region to serve concurrently as both a historic borderland and the frontier of American expansion west.

Although this study does not engage directly with the borderland and frontier literature, two edited collections have influenced my interpretation of events and responses in the middle Mississippi Valley. First, Gene Allen Smith and Sylvia L. Hilton’s *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s* examines the Gulf Coast borderlands in the Spanish and British colonial, as well as American periods.<sup>66</sup> This region was directly comparable to the Illinois Country, as residents also experienced frequent jurisdictional changeover and disruption in the late eighteenth century. Smith and Hilton demonstrate that individuals in politically turbulent regions demonstrated a “startling fluidity of personal identities

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<sup>63</sup> Englebert, “Beyond Borders,” 19.

<sup>64</sup> Ibid., 21.

<sup>65</sup> Choquette, “Center and Periphery in French North America,” 193.

<sup>66</sup> Gene Allen Smith and Sylvia L. Hilton, *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s* (Gainesville: University Press of Florida, 2010).

and loyalties” in order to preserve commercial or familial interests.<sup>67</sup> The editors’ contention are particularly useful in chapter one during the initial transfer from British colonial to Virginian citizenship.

Jesús F. de la Teja and Ross Frank’s edited collection *Choice, Persuasion, and Coercion: Social Control on Spain’s North American Frontiers* provides crucial insight into mechanisms of social control and its implementation in frontier communities, and was particularly valuable in the analysis of chapters two and three.<sup>68</sup> While the volume focuses on the Spanish colonial empire, the absolutist monarchical and Catholic structure of Spanish-speaking societies mirrored the construct of French-speaking communities in the North American interior. Teja defines the sociological concept of “social control” as:

A broad concept encompassing the myriad ways in which a society attempts to maintain order by persuading, coercing, or educating individuals to accept and behave according to the principles and values—norms—of the group of which they are members, want to become members, or have been compelled into membership.<sup>69</sup>

Prior to the publication of this edited collection, historians have avoided using the term social control to denote non-coercive measures of maintaining order in the discipline of history.<sup>70</sup> In

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<sup>67</sup> Ibid., 5.

<sup>68</sup> Jesús F. de la Teja and Ross Frank, *Choice, Persuasion, and Coercion: Social Control on Spain’s North American Frontiers* (Albuquerque: University of New Mexico Press, 2005).

<sup>69</sup> Ibid., xiii.

<sup>70</sup> Ibid, xi. Teja and Frank have defined persuasion as the “voluntary participation in a system of social control.” This notion builds upon the work of theorists such as Antonio Gramsci and Michel Foucault in their respective concepts of hegemony and power relations. For example, Gramsci’s conception of hegemony is “an order in which a certain way of life and thought is dominant, in which one concept of reality is diffused throughout society.” Gwyn A. Williams, “The Concept of ‘Egemonia’ in the Thought of Antonio Gramsci: Some Notes on Interpretation,” *Journal of the History of Ideas* 21 no 4 (Oct-Dec, 1960): 587. This is similarly a form of control that is implied, not enforced. Foucault has also theorized on power relations outside of coercion or force. In his book, *The History of Sexuality Volume 1: An Introduction*, Foucault writes on the “omnipresence of power,” which suggests that relationships of power are shaped beyond the linear line of oppressor vs. repressed. Instead, power can take on “the analysis of a multiple and mobile field of force relations, wherein far-reaching, but never completely stable, effects of domination are produced.” Michel Foucault, *The History of Sexuality Volume 1: An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978):102. Furthermore, in his publication *Discipline and Punish: The Birth of the Prison*, Foucault historicizes modern forms of power and control, and demonstrates the implicit disciplinary and confinement function of educational, religious, psychiatric, industrial etc. institutions within society through a

Teja and Frank's volume, they have employed the concept more broadly, and extended its meaning to include both coercive and persuasive measures of implementation.<sup>71</sup> In the latter framework, Teja, Frank, and their contributors demonstrated that members of a group often voluntarily participated in a system of social control to maintain order, unity, and stability within the periphery of colonial frontier communities.<sup>72</sup> For the purposes of this study the persuasive mode of social control is particularly useful, as village society in the middle Mississippi Valley was often without coercive means to police behaviour.

The western expansion of the United States into the middle Mississippi Valley positioned the French-speaking communities of Kaskaskia and Cahokia on the edge of the American frontier. The examination of early encounters between French-speaking inhabitants and first the Virginian state and later the US federal government invites comparisons with other communities along the "ungoverned" peripheries of empire.<sup>73</sup> In his examination of "Zomia," an area formerly known as the Southeast Asian *massif*, James C. Scott argues that the unincorporated zone served as a deliberate refuge for its inhabitants, who purposefully evaded the components of state-making.<sup>74</sup> Recent literature on the French colonial period similarly portrayed the settlement of the Illinois Country as a refuge or haven from the seigneurial system that governed New France.<sup>75</sup> In his controversial 1990 article, Winstanley Briggs depicted the settlements of the

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pervasive form of surveillance on its members. Alan Sheridan, "Foucault's 'Discipline and Punish' –an Exposition and Critique," *American Bar Foundation Research Journal* 11 no 4 (Autumn, 1986): 847-880. Foucault's much earlier notion of a disciplinary society is emulated in Teja and Frank's model of persuasive social control, which similarly emphasizes the importance of institutions such as "the Church, schools, fraternal organizations, and the family" in maintaining order in Spanish colonial society on the frontier. Teja, xiii.

<sup>71</sup> Ibid., xiii.

<sup>72</sup> Ibid., xi.

<sup>73</sup> James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (Yale University Press, 2009), 6-7.

<sup>74</sup> Ibid., ix-xi.

<sup>75</sup> Briggs, 37; Brown, "Kaskaskia and the French Kaskaskians as Seen by Clark," 33-34; Robert Michael Morrissey, *Empire by Collaboration*, 5.

French interior as the “chance to correct village society without outside interference.”<sup>76</sup> His position was comparable to Scott’s later work, who argued that the “main, long-run threat of the ungoverned periphery... was that it represented a constant temptation, a constant alternative to life within the state.”<sup>77</sup> In the American Illinois Country context, however, this notion disregards the importance of French business and social networks that continued to cut across colonial and emerging national boundaries throughout the eighteenth century.<sup>78</sup> Despite the shifting borders, Mississippi Valley residents continued to manage and protect relationships within their established commercial sphere.<sup>79</sup> As Robert Englebert has demonstrated, the residents of Kaskaskia and Cahokia prioritized the protection of business and family interests over political allegiance, and maintained continuity in the established community networks that characterized the French river world.<sup>80</sup>

### **Sources and Methods**

This thesis draws from a combination of published primary source collections and archival materials. The University of Saskatchewan Murray Library retains a number of published volumes from the Illinois State Historical Collection, which served as the principle source base.<sup>81</sup> The edited volumes contain valuable overlap between French and English

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<sup>76</sup> Briggs, 31.

<sup>77</sup> Scott, 6.

<sup>78</sup> Englebert, “Merchant Representatives,” 63-82

<sup>79</sup> Ibid., 66.

<sup>80</sup> Ibid., 63-82

<sup>81</sup> These sources include: Clarence Walworth Alvord, ed., *Cahokia Records, 1778-1790*, (Springfield: Trustees of the Illinois State Historical Library, 1907); Clarence Walworth Alvord, ed., *Kaskaskia Records, 1778-1790*, (Springfield: Trustees of the Illinois State Historical Library, 1909); George Rogers Clark, *The George Rogers Clark Papers 1771-1781*, ed. James Alton James (Springfield: Trustees of the Illinois State Historical Library, 1912); George Rogers Clark, *The George Rogers Clark Papers 1781-1784*, ed. James Alton James (Springfield: Trustees of the Illinois State Historical Library, 1912; Clarence Walworth Alvord and Clarence Edwin Carter, eds., *The Critical Period, 1763-1765* (Springfield.: The Trustees Of The Illinois State Historical Library, 1915).

documents, offering a comprehensive account of the early political and legal interactions between French-speaking residents and the provisional Virginian administration. The *George Rogers Clark Papers*, edited by James Alton James, offers an Anglo-American narrative of the takeover and subsequent occupation of the middle Mississippi Valley during the American Revolutionary War. Alternatively, Alvord's *Kaskaskia Records, 1778-1790* and *Cahokia Records, 1778-1790*, present a legal and administrative perspective from the French-speaking communities, and offer a counterpoint that balances the Anglo-American records. Alvord's edited collections contain a variety of official primary documents, which includes business correspondence, court records, petitions, government instructions, proclamations, speeches, and elections. Access to both Anglo-American and French-speaking accounts from the Virginian period provide a balance in the historical record and allows for a critical examination of the implementation of provisional government as well as the inhabitant response.

This thesis is also based on research at the Illinois State Archives in Springfield, Illinois, which serves to supplement the material from Alvord's published volumes. With the assistance of Karl Moore, the Illinois Regional Archives Depositories Supervisor, two collections were identified that complemented the resources held at the University of Saskatchewan. The J. Nick Perrin Collection was particularly valuable, as the *Cahokia Records* and *Kaskaskia Records* reproduced a number of the archival documents from the fonds. French legal records from the Virginian and American periods that were excluded from Alvord's publications supplement the analysis and supply context. The documents measure the French-speaking inhabitant responses and adaptation to the American Revolutionary War and the Early Republic from 1778-1787. This study therefore offers a reinterpretation of Alvord's legal and administrative history of the middle Mississippi Valley, without relying exclusively on his published primary research.



## Conclusion

Despite the collapse of the French empire in North America, French-speaking communities in the middle Mississippi Valley continued to survive and adapt under the shifting political boundaries of the British Illinois Country, Virginian Illinois County, and the American Northwest Territory. French-speaking inhabitants demonstrably negotiated regime change in a variety of ways according to personal and business interests. The transition to British colonial government in 1763 did not mark the political and economic death of French Illinois, nor did the Virginian takeover in 1778.<sup>82</sup> This thesis contributes to a growing literature on the French Illinois Country, which argues for the social and commercial continuity after 1763 and 1778. More broadly, this thesis presents a political and administrative case study of a conquered population in transition. It stresses the importance of institutions, such as the Church and the Court, in determining the viability of frontier and borderland communities, and demonstrates the vulnerability of social cohesion without these regulatory bodies in place. Ultimately, this thesis demonstrates that French-speaking inhabitants on the periphery of empire strategically and actively participated in reshaping their political climate from 1778-1787.

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<sup>82</sup> Briggs, 32, 56.

## Chapter One: From Illinois Country to Illinois County

On July 4, 1778, Colonel George Rogers Clark led a regiment of 175 men into the middle Mississippi Valley and captured the French-speaking village of Kaskaskia for the United States of America.<sup>83</sup> It was the first step toward the Virginian conquest of the British Illinois Country during the American Revolutionary War.<sup>84</sup> Kaskaskia was taken with ease. Clark later claimed that the village was secured within fifteen minutes.<sup>85</sup> Two days later, Major Joseph Bowman and a small envoy of Virginian troops secured the neighbouring French-speaking community of Cahokia without difficulty.<sup>86</sup> While the Illinois Country was deemed “unworthy of even limited effort and expenditures by the British,” the state of Virginia considered the territory strategically valuable.<sup>87</sup> As early as 1777, Clark had identified Kaskaskia as an asset to the Virginian campaign in the northwest; the Mississippi River acted as the sole border between the French-speaking community and Spanish Louisiana, an American ally and supplier.<sup>88</sup> Moreover, the capture of the undefended villages in the middle Mississippi Valley would distress the supply-chain to British-held Detroit and create an opportunity to attack the weakened post, which was one of the largest trading centres in British North America.<sup>89</sup> On December 9, 1778, the territory

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<sup>83</sup> “Order in Council, January 2, 1778,” *George Rogers Clark Papers*, 33.

<sup>84</sup> The territory was located between the Mississippi, Ohio, Illinois, and Wabash Rivers. For a map of the Illinois country see: Robert Englebert, “Merchant Representatives,” 67.

<sup>85</sup> “George Rogers Clark to George Mason, 19 November 1779,” *The George Rogers Clark Papers, 1771-1781*, ed. James Alton James (Springfield: Trustees of the Illinois State Historical Library, 1912): 120. Clarence Walworth Alvord speculated whether the British Commandant had gone to bed, “resigned to his fate” in *The Illinois Country 1673-1818* (Chicago: Loyola University Press, 1965, c. 1922): 326. Jay Gitlin states that “there was no takeover” and that all that really occurred was Clark “announced to the local French settlers that France and the United States were now allies, and dinners and balls were held in Clark’s honor.” in *The Bourgeois Frontier: French Towns, French Traders & American Expansion* (New Haven: Yale University Press, 2010), 37.

<sup>86</sup> George Rogers Clark to George Mason, 19 November 1779, *George Rogers Clark Papers*, 122.

<sup>87</sup> Horsman, “Great Britain and the Illinois Country,” 102.

<sup>88</sup> “George Rogers Clark to Patrick Henry, 1777,” *The George Rogers Clark Papers, 1771-1781*, 32.

<sup>89</sup> *Ibid.*, 31-32; Gitlin, 37.

was brought under Virginia state jurisdiction for a three year term and became the county of Illinois.<sup>90</sup>

This chapter examines the French-speaking communities of Kaskaskia and Cahokia from 1778-1781, as residents of the Illinois Country navigated the initial transition from British subjects to American citizens under Virginia state jurisdiction. The Virginia period determined the early course of relations between French-speaking residents and the United States of America. The Virginian takeover inserted the Illinois Country and its residents into the western theatre of the American Revolutionary War, which fundamentally shaped the ways the provisional state administration attempted to assert control over the region as well as the local response. French-speaking inhabitants were active participants in their early encounters with Virginian officers and administrators, and were eager to assert their rights and privileges under the new provisional government.

An extended series of conflicts and administrative changeovers shaped eighteenth century North America and informed the French-speaking inhabitant response to the Virginian takeover. David Curtis Skaggs and Larry L. Nelson have termed the period between 1754 and 1812 the “Sixty Years’ War” to better reflect the unceasing conflict for control in the Great Lakes (Pays d’en Haut) region among Europeans, Americans, Canadians, and Native peoples.<sup>91</sup> While the French villages in the Illinois Country were on the periphery of this three-generation-long dispute, inhabitants also experienced the effects of the numerous upheavals during this sixty year

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<sup>90</sup> The bill creating the county of Illinois passed in the Virginia legislature on December 9, 1778 and expired January 5, 1782. Alvord, *The Illinois Country, 1673-1818*, 335, 358.

<sup>91</sup> David Curtis Skaggs and Larry L. Nelson, *The Sixty Years’ War for the Great Lakes, 1754-1814* (East Lansing: Michigan State University Press, 2001), xviii. The reassessment of the decades’ long struggle came out of a conference at Bowling Green State University in 1998, where historians examined the “Sixty Years War” for the Great Lakes region. The Sixty Years War term spans from the Seven Year’s War, Pontiac’s Rebellion, Lord Dunmore’s War, the War of American Independence, the Maumee-Wabash Confederacy War, to the War of 1812.

period. In the Illinois Country, George Rogers Clark's conquest marked the third regime for French-speaking residents, who went from French and British subjects to American citizens in less than thirty years. Under Virginian control the region remained in political flux; the real threat of British retaliation persisted throughout the war.<sup>92</sup> The east side of the middle Mississippi Valley remained contested space until the close of the American Revolutionary War and the official disbandment of Clark's Virginian Illinois regiment on January 18, 1783.<sup>93</sup>

The tumultuous circumstances caused French-speaking inhabitants to adjust to the new regime strategically in order to ensure the protection of business and family interests. The interactions between French-speaking inhabitants and Virginian officers were comparable to the strategies employed in other multiethnic communities along the revolutionary borderlands.<sup>94</sup> According to Gene Allen Smith and Sylvia L. Hilton, the diverse population of French, English, German, Flemish, and Dutch-speakers as well as those of Indigenous and African descent that resided along the Gulf Coast frequently demonstrated an ability and willingness to adapt certain aspects of their personal identity, such as nationality or loyalty, for strategic advantage during the revolutionary period.<sup>95</sup> Throughout the North American borderlands, a flexible response to regime change developed into the norm during the tumultuous eighteenth-century.

French-speaking residents of Kaskaskia developed a community strategy in response to the Virginian occupation. Immediately following the Virginian takeover of the village, Clark

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<sup>92</sup> Horsman, "Great Britain and the Illinois Country," 100-109; A.P. Nasatir, "The Anglo-Spanish Frontier in the Illinois Country during the American Revolution 1779-1783," *Journal of the Illinois State Historical Society* 21 no 3 (October 1928): 291-358.

<sup>93</sup> Alvord, *The Illinois Country*, 354.

<sup>94</sup> Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History," *The American Historical Review* 104 no 3 (June 1999): 816.

<sup>95</sup> Chaput, 251; Keith R. Widder, "After the Conquest: Michilimackinac, a Borderland in Transition, 1760-1763," *Michigan Historical Review* 34 no 1 (Spring: 2008): 46; Gene Allen Smith and Sylvia L. Hilton, *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s* (Gainesville: University Press of Florida, 2010), 4-5.

summoned “the Principal Men of the Town who came as if to a Tribunal that was to determine their fate forever.”<sup>96</sup> He observed that in his first interaction with residents, community leaders appeared to be fearful for their future under a new regime. Clark worked to reassure them, promising that “they should immediately enjoy all the privileges of our Government and their property secured to them.”<sup>97</sup> The mood changed. With the offer of a functioning government as well as the protection of property and family, Clark claimed that Kaskaskia’s leading inhabitants reacted with “Transports of Joy that really surprised”<sup>98</sup> even him. The community leaders proceeded to claim ignorance regarding the American Revolutionary War. Clark recounted that “they told me that they had always been kept in the dark as to the dispute between America & Britain.”<sup>99</sup>

The notion, however, that the population residing in the middle Mississippi Valley was unaware of the American Revolutionary War was unlikely.<sup>100</sup> Following the Treaty of Paris in 1763, the village of Kaskaskia became the centre of operations for Anglo-American merchants and trading companies. The largest British trading company to operate out of Kaskaskia, the mercantile firm Baynton, Wharton, and Morgan, was headquartered at Philadelphia and had a presence at Kaskaskia until 1772.<sup>101</sup> Although the English-speaking firm failed to divert some of the lucrative flour trade business from New Orleans to the mouth of the Ohio River, the eponymous George Morgan became a prominent resident at Kaskaskia and served as president of the Kaskaskia court from 1768-1770.<sup>102</sup> Following the ratification of the United States Declaration of Independence on July 4, 1776, Morgan’s connection to the British Illinois

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<sup>96</sup> “George Rogers Clark to George Mason, 19 November 1779,” *The George Rogers Clark Papers, 1771-1781*, 120.

<sup>97</sup> *Ibid.*, 121.

<sup>98</sup> *Ibid.*, 120.

<sup>99</sup> *Ibid.*, 121.

<sup>100</sup> Alvord, *Cahokia Records 1778-1790*, xxxvi; Brown, *History as They Lived It*, 170.

<sup>101</sup> Ekberg, *French Roots in the Illinois Country*, 236-237, 278.

<sup>102</sup> *Ibid.*, Alvord, *The Illinois Country*, 267.

Country became particularly significant. On July 6th, the Anglo-American merchant wrote a secret letter from Kentucky to Richard Winston, a former agent for Morgan's firm and an Anglo-American Illinois inhabitant, on official business with the "United Colonies" about the prospect of an American campaign to Illinois.<sup>103</sup> The letter demonstrated the speed that news was dispatched to Kaskaskia and the political consensus among Anglo-American merchants. Indeed, within the year Thomas Bentley, another Anglo-American Kaskaskian merchant, was arrested by British authorities and jailed at Detroit in late July 1777 for trading and conspiring with American forces.<sup>104</sup> His marriage to Marguerite, a member of the influential Beauvais family, was a common way for local English-speakers to become a part of the French-speaking community and gain access to important trade connections.<sup>105</sup> The marriage also formed a direct link between his rebellious political activities and French-speaking villagers.<sup>106</sup>

In contrast with Bentley, Gabriel Cerré, Louis Viviat, and Nicholas Caillot *dit* Lachanse were prominent French-speaking businessmen who actively supported the British cause prior to the Virginian takeover.<sup>107</sup> Their loyalty to the Crown served their business and family interests. As members of the French river world, these merchants were motivated to preserve their commercial networks within post-1763 British North America. The mobile nature of French life meant that the residents of Kaskaskia were far from isolated or uninformed. The leading French-speaking inhabitants of Kaskaskia collectively pleaded ignorance, to justify their swift acceptance of the American cause. Clark offered French-speaking villagers the opportunity to preserve community values, such as "the comfort of the church, connection to their native land,

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<sup>103</sup> David G. Thompson, "Thomas Bentley and the American Revolution in Illinois," *Illinois Historical Journal* 83 no. 1 (Spring: 1990): 5; "George Morgan to Richard Winston, July 6, 1776," *Kaskaskia Records*, 1-3.

<sup>104</sup> *Ibid.*

<sup>105</sup> Englebert, "Beyond Borders," 75.

<sup>106</sup> *Ibid.*, 79.

<sup>107</sup> Alvord, *Cahokia Records 1778-1790*, xxxvii.

and proper legal courts to manage the succession of property and to handle indebtedness.”<sup>108</sup> The principle men of Kaskaskia strategically feigned ignorance of the American Revolutionary War in order to protect their business and property.

Two days later Clark ordered Major Joseph Bowman to take the village of Cahokia. Despite a positive reception at Kaskaskia, Clark remained “uneasy” about Cahokia and was determined to “make a lodgment there as soon as possible.”<sup>109</sup> The expedition to the neighbouring village, approximately sixty miles from Kaskaskia, did not consist solely of Virginian soldiers. Members of the Kaskaskia militia accompanied Bowman’s expedition to Cahokia to encourage “the People to submit to their happier fate.”<sup>110</sup> According to Clark, the French-speaking residents of Kaskaskia advised him that only “one of their Townsmen was enough to put me in possession of that place” and insisted on accompanying Bowman.<sup>111</sup> The presence of the militia made the Virginian takeover at Cahokia an easy transition; the “Kaskaskia gentlemen dispersed among their Friends in a few hours the whole was amicably [arranged] and Major Bowman snugly quartered at the old British fort.”<sup>112</sup> The two French-speaking communities were closely connected through commerce and intermarriage, and also shared a village society that was anchored by the Catholic Church and French legal system. The interconnected nature of the two communities meant that Cahokia villagers recognized the Kaskaskia militiamen at once.<sup>113</sup>

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<sup>108</sup> Brown, *History as They Lived It*, 171.

<sup>109</sup> “Clark’s Memoir, 1773-1779,” *George Rogers Clark Papers*, 232.

<sup>110</sup> “Clark to Mason, November 19, 1779,” *George Rogers Clark Papers*, 122.

<sup>111</sup> *Ibid.*

<sup>112</sup> “Clark’s Memoir, 1773-1779,” *George Rogers Clark Papers*, 233. These community leaders likely also served as the village’s militia officers, Carl J. Ekberg and Sharon K. Person, *St. Louis Rising: The French Regime of Louis St. Ange de Bellerive* (Urbana: University of Illinois Press, 2015), 55.

<sup>113</sup> Brown, *The Life of George Rogers Clark, 1752-1818*, 40.

The decision to accompany the Virginian troops to Cahokia must have impressed Clark.<sup>114</sup> The east side of the middle Mississippi Valley was secured without resistance, in part because of the presence of the Kaskaskia militia. Their participation assured Clark of their commitment to the United States and ensured that Cahokia was taken without casualties. Clark was encouraged by the success at Cahokia and invited French-speaking inhabitants to join the final conquest of Vincennes to the northeast. He pressured residents of the middle Mississippi Valley to join the second expedition by pretending that he planned to meet with additional Virginian troops at the Ohio Falls and attack the village.<sup>115</sup> His plan “soon had a desired effect. Advocates immediately appear’d among the people in their behalf.”<sup>116</sup> Instead of a military campaign, the expedition to Vincennes transformed into a small peaceful envoy of Kaskaskians, led by the village doctor Jean Baptiste Laffont, as well as Father Pierre Gibault, whose ministry included Vincennes.<sup>117</sup> On July 13 1778, Laffont and Gibault presented an address authored by Clark to the French-speaking villagers on his behalf, and invited residents to accept the offer of American citizenship.<sup>118</sup> Seven days later, French-speaking residents of Vincennes took oaths of loyalty to the United States of America.<sup>119</sup>

The early cooperation between middle Mississippi Valley residents and Virginian officers demonstrated the system of French-speaking connections and relationships that reached beyond the village sphere. To protect the greater French-speaking population of the Illinois Country, prominent Kaskaskia inhabitants and militiamen participated in the Virginia campaigns to the neighbouring villages. The presence of familiar faces was a safeguard against resistance from

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<sup>114</sup> Ibid.

<sup>115</sup> “Clark to Mason, November 19, 1778,” *George Rogers Clark Papers*, 122.

<sup>116</sup> Ibid.

<sup>117</sup> Alvord, *The Illinois Country*, 328.

<sup>118</sup> “Clark to the Inhabitants of Vincennes, July [13?], 1778,” *George Rogers Clark Papers*, 50-53; “Clark to Jean B. Laffont, July 14, 1778,” *George Rogers Clark Papers*, 53-55.

<sup>119</sup> “Oath of Inhabitants of Vincennes, July 20, 1778,” *George Rogers Clark Papers*, 56-59.



villagers and the potential for a violent takeover. Kaskaskia villagers were ambassadors of the new Virginian administration and used their influence to smooth the transition from British subjects to American citizens.

The willingness to adapt and embrace Virginian and later American governmental authority challenges the depiction of French-speaking inhabitants in recent studies. Over the past twenty-five years, historians of the French Illinois Country have emphasized the territory's distance and consequent autonomy from the colonial administration in New France.<sup>120</sup> Winstanley Briggs interpreted the Illinois Country as an "escape hatch" from the *ancien régime*.<sup>121</sup> According to Briggs, French Illinois villages were deliberate *outcast* communities that operated "without outside guidance or interference" to create an ideal village society.<sup>122</sup> As Briggs, Robert Michael Morrissey, and Margaret Kimball Brown have contended, French-speakers continued to operate according to a particular system of shared values and norms. Yet residents also demonstrably welcomed the promised order and protection of new regime that accompanied Clark's takeover.<sup>123</sup> The notion of defiant and self-reliant French-speaking communities does not correspond with the actions of French-speaking residents in the late eighteenth-century, who not only accepted Virginian authority, but also quickly became representatives of it.

The demand for government intervention in the Illinois Country communities was not a product of the American Revolutionary War. Indeed, prior to the Virginian takeover French-

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<sup>120</sup> Winstanley Briggs, "Les Pays des Illinois," *The William and Mary Quarterly*, Third Series, 47 no. 1 (Jan., 1990): 31. Brown, "Kaskaskia and the French Kaskaskians as Seen by Clark," 33-34. Robert Michael Morrissey, "Bottomlands and Borderlands: Empires and Identities in the Illinois Country, 1673-1785," PhD Diss. (Yale University, 2006), chapter seven.

<sup>121</sup> Briggs, 37.

<sup>122</sup> *Ibid.*, 55.

<sup>123</sup> Briggs, 55.

speaking residents communicated a willingness to adapt to an Anglo-American system of government. In the summer of 1770, Daniel Blouin, a French-speaking merchant, appeared before British General Thomas Gage on behalf of Kaskaskia inhabitants and requested a colonial civil government for the villages of the middle Mississippi Valley. Blouin's petition was written in response to the abolition of the established court system by the territory Commandant, Lieutenant Colonel John Wilkins, and proposed an administration that imitated the constitutional structure of the colony of Connecticut.<sup>124</sup> After consultation with Lord Hillsborough, Secretary of State for the Colonies, and his successor Lord Dartmouth, General Gage rejected the request, likely due to the populist nature of the proposed government.<sup>125</sup> The entire affair exemplified the worst offense of the British colonial administration of British Illinois Country – neglect.<sup>126</sup> And yet the petition for civil government was significant in that it indicated a collective demand for government and willingness to change allegiance to a new regime prior to the arrival of the Americans. The episode also demonstrated that the collapse of the French Empire in North America did not necessarily mark the dissolution of the French Illinois Country, instead

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<sup>124</sup> The final court session was held June 6, 1770. The court system was unauthorized by British colonial administrators and used to further the financial interests of Wilkins and the British merchants he allied himself with. According to Alvord, the court was abolished when French-speakers replaced the British faction as judges. Wilkins was recalled from his post and charged with multiple counts related to corruption in September, 1772. Alvord, *The Illinois Country, 1673-1818*, 266-8 & 293, Clarence Edwin Carter, *Great Britain and the Illinois Country, 1763-1774* (Washington: The American Historical Association, 1910): 156. Clarence Walworth Alvord and Clarence Edwin Carter eds., *Invitation Serieuse aux Habitants des Illinois by Un Habitant des Kaskaskias* (Providence: Club for Colonial Reprints, 1908), xxi. Alvord and Carter conclude that the choice of Connecticut must have been because it was “the most liberal of the Eastern colonies” and a state structure that Blouin's associate, William Clazon, may have been familiar with.

<sup>125</sup> British General Thomas Gage denied the petition after consultation with Lord Hillsborough, Secretary of State for the Colonies, and his successor Lord Dartmouth. Carter notes that Dartmouth was particularly concerned with the populist nature of the government that the inhabitants had proposed, which factored into the rejection of the petition. Carter, 153.

<sup>126</sup> Robert Michael Morrissey, *Empire by Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015): 3; See also chapter seven, “The Struggle for Civil Government, 1770-1774,” in Clarence Edwin Carter, *Great Britain and the Illinois Country, 1763-1774* (Washington: The American Historical Association, 1910): 145-163.

communities and their members survived through strategic adaptation and administrative dialogue.<sup>127</sup>

Petitions remained an important political device under the new regime, as French-speaking inhabitants tested their rights and privileges as American citizens. The “modern” style of petition used in the Mississippi Valley was not inherited from France, which remained a part of the “Ancien Régime” for another decade. Benoît Agnès identifies and defines two forms of petitions in eighteenth century France:

Le premier correspond à la pétition « Ancien Régime » —requête individuelle, adressée pour des raisons personnelles par un humble et respectueux demandeur à une autorité respectable, souvent pour l’octroi d’une faveur. Le second, qui tend à prévaloir, est celui de la pétition « moderne », souvent collective, parfois contestataire, toujours sûre de son bon droit.<sup>128</sup>

The second form of petition did not appear in France until the outset of the French Revolution.<sup>129</sup>

Instead, the appearance of collective, “modern” petitions at Kaskaskia and Cahokia originated during the period immediately following the transfer from French to British colonial government. Under the British system, petitioning had adapted from a secretive communicative practice to a political device that “constituted and invoked the authority of the public opinion, a means to lobby Parliament” during the English Revolution of the mid-seventeenth century.<sup>130</sup>

The use of “modern” petitions, however, was not exclusive to French-speaking inhabitants of the Mississippi Valley. In his examination of the French seigneurial elite in New France, Peter Moogk observed in the transition from French to British subjects that “the survivors now used

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<sup>127</sup> Morrissey, *Empire by Collaboration*, 5.

<sup>128</sup> Benoît Agnès, “Le « Pétitionnaire universel »: les normes de la pétition en France et au Royaume-Uni pendant la première moitié du XIX<sup>e</sup> siècle,” *Revue d’histoire moderne et contemporaine* (1954-) 58 no 4 Politique(s) (Octobre-Décembre 2011): 49.

<sup>129</sup> Ibid.

<sup>130</sup> David Zaret, “Petitions and the “Invention” of Public Opinion in the English Revolution,” *American Journal of Sociology* 101 no. 6 (May: 1996): 1499.

collective rather than individual petitions to solicit petitions, rewards and concessions from the new rulers.”<sup>131</sup> The strategic adaptation to a “modern” petition extended beyond the boundaries of the Mississippi Valley or even North America, Hannah Weiss Muller has demonstrated that French Catholic subjects in Quebec and Grenada also made collective demands for rights and privileges during the changeover to British government from the 1760s to the 1770s.<sup>132</sup>

Initially Illinois Country residents addressed petitions to local Virginian administrators and military officers, citing war-related grievances. Later in the Virginian period, however, and during the subsequent American period, French-speakers began to petition higher levels of government for redress in response to inaction and perceived corruption at the local level. The strategy was also common among residents of the State of Virginia. According to Alison Olsen, the “constantly shifting borders, divisions of authority, and attempts of families to create local oligarchies made local authorities progressively less competent to handle efficiently even the local problems they had handled before.”<sup>133</sup> Later efforts to appeal to the Virginian General Assembly were highly competitive, however, as Virginian citizens were among the most frequent petitioners in the United States.<sup>134</sup>

French-speaking inhabitants authored their first mass petition to George Rogers Clark on December 24, 1778.<sup>135</sup> The document marked the first articulated sign of conflict under the Virginia administration since the takeover six months earlier. The signatories contended that

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<sup>131</sup> Peter Moogk, “Notables, Rank, and Patronage: The Social Order of Early Eighteenth Century Canada,” *Proceedings of the Meeting of the French Colonial Historical Society* 13/14 (1990): 78.

<sup>132</sup> Hannah Weiss Muller, “Bonds of Belonging: Subjecthood and the British Empire,” *Journal of British Studies* 53 no. 1 (January 2014): 29-58.

<sup>133</sup> Alison Olsen, “Eighteenth Century Colonial Legislatures and their Constituents,” *Journal of American History* 79 (1992): 551.

<sup>134</sup> Richard R. Beeman, *The Varieties of Political Experience in Eighteenth-Century America*, (Philadelphia: University of Pennsylvania Press, 2004), 56.

<sup>135</sup> “Proclamation by George Rogers Clark, December 24 1778,” Clarence Walworth Alvord, ed., *Kaskaskia Records, 1778-1790* (Springfield: Trustees of the Illinois State Historical Library, 1909), 65.

Virginian troops had violated French property rights and consequently disrupted the social norms that regulated village life. Specifically, Clark noted that French-speaking residents of the eastern bank complained of “disorders, abuses, and brigandage of so long duration, that has been caused by the too great liberty enjoyed by the red and black slaves.”<sup>136</sup> While the petition itself is not available, Clark’s record of the French-speaking complaints and his proclamation in response appear to indicate that the dispute originated from unfamiliarity with the form of slavery practiced in the Illinois Country. In his response to the petition, Clark expressly forbade the sale of liquor to slaves, the provision of space for slaves to feast, dance, or assemble, and the exchange of goods with slaves.<sup>137</sup> The ordinance was clearly directed at newcomers outside the French-speaking community. Carl J. Ekberg has demonstrated that the system of French agricultural slavery in the Illinois Country was in place for over fifty years prior to the Virginian takeover.<sup>138</sup> French slavery in the Illinois Country differed from the large-scale plantations of the American south, as residents frequently worked alongside their slaves in the agricultural fields and did not rely on the slave-holding industry as a foundation of the economy.<sup>139</sup> The French slavery in the Illinois Country was therefore a society with slaves rather than a slave society, a form of slavery that could, at times, be even more brutal “because their slaves were extraneous to their main business.”<sup>140</sup> Despite the comparatively closer quarters, racial barriers continued to separate the ethnic groups within the village and regulated the conduct of French owned

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<sup>136</sup> Ibid.

<sup>137</sup> Ibid., 65-67.

<sup>138</sup> The French word *habitant* meant “resident-farmer” in the Illinois Country. Ekberg, 139, 170.

<sup>139</sup> For more on French Illinois Slavery see: Cécile Vidal, “Africains et Européens au pays des Illinois durant la période française (1699-1765),” *French Colonial History* 3 Idea and Action in French Colonization (2003): 51-68; Winstanley Briggs, “Slavery in French Colonial Illinois,” *Chicago History* 18 (1989-1990): 66-81; Chapter Four: French Illinois of Carl J. Ekberg, *Stealing Indian Women: Indian Slavery in the Illinois Country* (Urbana: University of Illinois Press, 2007): 31-49.

<sup>140</sup> Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge & London: The Belknap Press of Harvard University, 2003): 8.

slaves.<sup>141</sup> The arrival of Virginian troops unfamiliar with the societal norms unique to French slavery in the Illinois Country appears to have coincided with the reported misbehaviour of middle Mississippi Valley slaves. Furthermore, the petition demonstrates the initial disconnect between French and English-speaking cultures, as the villages of Kaskaskia and Cahokia played host to Virginian troops.

Virginian preparations for the Detroit campaign complicated the inhabitant complaints of troop misconduct. The planned offensive served as the major objective for the Northwestern front. The British-held post operated as a critical base for military raids into the Ohio River Valley and Kentucky, and was one of the largest centres for trade in the Great Lakes.<sup>142</sup> The expedition was crucial not only for the defensive purposes, but also for the advancement of the United States in the Northwestern theatre.<sup>143</sup> The importance of the campaign developed into a so-called “obsession” for Clark, who became fixated on the capture of Detroit.

As Clark and his military officers readied for the assault on Detroit, local merchants and farmers were relied upon to supply the garrisoned Virginian troops with provisions. French-speaking resident experiences at Cahokia and Kaskaskia began to diverge significantly, as the Kaskaskian barracks housed the majority of Virginian troops stationed in the Illinois Country. The volume of supplies necessary to prepare and execute the campaign strained the local economy, consumed the majority of local crop production, and thus put a great deal of stress on Kaskaskian residents. By August 31, 1779 the community provided over 54,600 pounds of flour

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<sup>141</sup> Vidal, 61.

<sup>142</sup> C. Herbert Laub, “The Problem of Armed Invasion of the Northwest during the American Revolution,” *The Virginia Magazine of History* 42 no. 1 (January 1934): 18; Consul Wilshire Butterfield, *History of George Rogers Clark’s Conquest of the Illinois and the Wabash Towns 1778 and 1779* (1904; reprint, Boston, Gregg Press, 1972), 83; Brian Leigh Dunnigan, “Detroit: Clarks Obsession,” *The Life of George Rogers Clark, 1752-1818*, 101; Englebert, “Beyond Borders,” 34.

<sup>143</sup> Dunnigan, 101; Alvord, *The Illinois Country, 1673-1818*, 339.

alone to the American cause.<sup>144</sup> The figure marked a significant contribution, since Illinois flour harvests were wildly unreliable from year to year.<sup>145</sup> What started out as an agreement to supply Americans to supply materials grew into an obligation over the summer months, a development which Clark cited as the “necessity of service.”<sup>146</sup> The impact of Clark’s demands for provisions on resident business interests can be traced through a comparison of two community leaders, Gabriel Cerré, a prominent Kaskaskia businessman, and Charles Gratiot, a rising merchant at Cahokia.

Interactions between Cerré and the Virginian administration provide a useful example of local adaptation. It is important, however, to recognize that Cerré was an exceptional case. Robert Englebert has called attention to the socio-economic disparities between Cerré and the majority of French-speaking *habitants* and traders, which places limits on interpreting Cerré’s experiences as universal.<sup>147</sup> Still, Cerré’s prominence as a merchant who operated within the French river world positioned him as a leader and influential figure within the French-speaking community of Kaskaskia.

Cerré’s critical role in the transition to Virginian rule became evident immediately following the takeover. With the help of informants, Clark identified Cerré as “one of the most Eminent men in the Cuntrey of great influence among the people” and determined that his favour would be a “valuable acquisition” for the Virginian administration.<sup>148</sup> Within days Cerré was convinced to support the American cause, prompted in part by Clark’s intimidation tactics

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<sup>144</sup> “List of Contributors, made by Patrick Kennedy, Assistant Commissary, August 31, 1779,” *Kaskaskia Records*, 116. For more information on the flour trade in the Illinois Country see chapter six, “Agricultural Commerce in the Mississippi Valley,” in Ekberg, *French Roots in the Illinois Country*, 213-238.

<sup>145</sup> Ekberg, *French Roots in the Illinois Country*, 220-221.

<sup>146</sup> “Proclamation Prohibiting Exports, by Gabriel Cerré, June 28, 1779,” *Kaskaskia Records*, 101; “Certificate from George Rogers Clark, July 14, 1779,” *Kaskaskia Records*, 105.

<sup>147</sup> According to Englebert, “Gabriel Cerré’s literacy, wealth, and political influence only accentuated the difference in stature between himself and the average *habitant-voyageur*” in “Beyond Borders,” 94-95.

<sup>148</sup> “Clark’s Memoir, 1773-1779,” *George Rogers Clark Papers*, 228-229.

against Cerré's family.<sup>149</sup> The following summer, Cerré was elected justice in the newly established court of Kaskaskia.<sup>150</sup> Immediately following the election, Cerré and the other newly elected magistrates authored a detailed petition of grievances to County Lieutenant John Todd wherein they charged that Virginian soldiers were stealing their animals for consumption, trading alcohol to Indigenous groups, and were continuing to conduct illicit trade with French-owned slaves.<sup>151</sup> The theft of oxen and cattle devastated the community, as their animals were needed "for the cultivation of the land, and to others, for the subsistence and nourishment of their families."<sup>152</sup> The incidents were described as "especially contrary to all laws and [were] especially contrary to the customs and usages" that regulated the French-speaking community of Kaskaskia.<sup>153</sup>

On June 28, 1779, Cerré certified the first trade embargo in Virginian Illinois Country in his capacity as Judge of the Court of Kaskaskia. The proclamation "prohibited to export provisions from this country without orders and permission by the commandant" in the County of Illinois.<sup>154</sup> The purpose of trade restrictions was to control the flow of goods out of occupied Virginian territory and to ensure that the quotas necessary to supply the garrisoned army were fulfilled. Cerré's endorsement of the embargo corresponded with his initial commercial agreement with the Virginian military. In July of that same year, Cerré wrote to Clark of their

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<sup>149</sup> Clark purposefully stationed officers outside of Cerré's residence as a show of force. "Clark's Memoir, 1773-1779," *George Rogers Clark Papers*, 235; "Gabriel Cerré to George R. Clark, July 11, 1778, *Kaskaskia Records*, 48-49.

<sup>150</sup> "Certificate of Election by John Todd, May 21, 1779," *Kaskaskia Records, 1778-1790*, 86. Alvord contends that a court was not established at Kaskaskia in 1778 as promised, making this the first official election of Kaskaskian judiciaries. He uses the petition of the Kaskaskian widow of Antoine Cottinault to the court of Cahokia on February 18, 1779 as evidence: "Petition of Widow of Antoine Cottinault, February 18, 1779," *Kaskaskia Records, 1778-1790*, 68-73. This seems to be further confirmed by when Clark informs Kaskaskia inhabitants that "In a short time you will know the American system," in "Speech of George R. Clark to the Inhabitants of Kaskaskia, May 12 1779," *Kaskaskia Records 1778-1790*, 80-81.

<sup>151</sup> John Todd was formally installed as County Lieutenant a mere nine days earlier. "Magistrates to John Todd, May 21, 1779," *Kaskaskia Records 1778-1790*, 88-93.

<sup>152</sup> *Ibid.*, 89.

<sup>153</sup> *Ibid.*, 93.

<sup>154</sup> "Proclamation Prohibiting Exports, by Gabriel Cerré, June 28, 1779," *Kaskaskia Records 1778-1790*, 101.



negotiated arrangement, which contracted Cerré to import and “buy different supplies for the states” from merchants at Ste. Genevieve, located in Spanish Upper Louisiana on the west side of the Mississippi River.<sup>155</sup> His business connections and influence across the Mississippi River made Cerré’s partnership with Clark a particularly useful and a “valuable acquisition” for the Virginian military.<sup>156</sup>

The business deal between Clark and Cerré quickly deteriorated, however, when Cerré attempted to settle his account with William Shannon, the Commissary and Quartermaster of the Illinois Battalion. Shannon reimbursed Cerré with a letter of exchange for 1,238 *piastres*, leaving Cerré short more than a thousand deer skins value against his account with vendors at Ste. Genevieve. In addition, Cerré came away from his dealings with the Americans needing one hundred *piastres* to replace the tools that the army had taken from his forge.<sup>157</sup> It was far from ideal. Not only were French-speaking merchants pressured and compelled to provision the Virginian army, but they were also repaid in promissory notes that held no immediate value. Such letters of exchange were a last resort for the Continental Army, which sought to manage the purchase of provisions with a worthless new currency.<sup>158</sup> Clark was aware that Cerré would not be repaid. In April, Clark expressed concern to Governor Patrick Henry that “several merchants are now advancing considerable sums of their own property, rather than the service should suffer, by which I am sensible they must lose greatly.”<sup>159</sup>

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<sup>155</sup> “Gabriel Cerré to George R. Clark, July 12, 1779,” *Kaskaskia Records*, 102.

<sup>156</sup> “Clark’s Memoir, 1773-1779,” *George Rogers Clark Papers*, 228-229; Englebert, “Beyond Borders,” 94.

<sup>157</sup> Charles van Ravenswaay, “Affairs at Fort Bowman, 1778-1780: Accounts and Letters,” in *Old Cahokia: A Narrative and Documents Illustrating the First Century of its History*, edited by John Francis McDermott (St. Louis: The St. Louis Historical Documents Foundation, 1949): 233.

<sup>158</sup> Ibid. According to E. Wayne Carp, “at the beginning of that year [1779] \$I in specie was equal to \$6.84 in paper currency. By December 1770 the ratio was I to 42.2; in December 1780, I to 99.54” in *To Starve an Army at Pleasure: Continental Army Administration and American Political Culture, 1775-1783* (Chapel Hill: The University of North Carolina Press, 1984), 68.

<sup>159</sup> “Clark to Patrick Henry, April 29, 1779,” *The George Rogers Clark Papers, 1771-1781*, 173.

The Virginian administration was unable to relieve the critical economic situation in the Illinois Country. The circumstances escalated into a double financial crisis, one for Clark and the State of Virginia's fiscal credibility, and one for French-speaking merchants like Cerré. Furthermore, restriction of commercial trade in Virginian Illinois tightened again less than two months later, when County Lieutenant John Todd proclaimed a second embargo "for the space of sixty days, unless I shall have assurance before that time that a sufficient Stock is laid up for the Troops or sufficient security is given to the Contractors for its delivery whenever required."<sup>160</sup>

The life of Cahokia merchant Charles Gratiot paralleled Cerré and yet demonstrated key differences between the experience of Cahokia and Kaskaskia residents during the American Revolutionary War. Gratiot arrived in Cahokia a mere seven months before Major Bowman captured the village for Virginia.<sup>161</sup> He did not hold the same influence as Cerré in the French river world, largely because of his youth, although he later married into the prominent Chouteau family at St. Louis.<sup>162</sup> Gratiot was also involved in supplying provisions to the Virginian army as early as November 1778.<sup>163</sup> Virginian military captains, James Harrod and John Williams, signed a written agreement to pay him the sum of 2,880 *piastres* the following March.<sup>164</sup> The Virginian demand for supplies appeared to be a lucrative business opportunity for French-speaking residents. Gratiot relayed to Antoine Lamarche, his business partner, the good news of high prices and scarce provisions in Cahokia in late November.<sup>165</sup> He requested that provisions be sent from the Des Moines River in Spanish territory to Cahokia in order to take advantage of the

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<sup>160</sup> "Proclamation, pages 23-4," *Early Chicago and Illinois*, edited by Edward G. Mason, Chicago Historical Society's Collection Volume 4 (Chicago: Fergus Printing Company, 1890), 306.

<sup>161</sup> Brenda R. Gieseke, "A Business Venture at Cahokia: The Letters of Charles Gratiot, 1778-1779," in *Old Cahokia: A Narrative and Documents Illustrating the First Century of its History*, edited by John Francis McDermott (St. Louis: The St. Louis Historical Documents Foundation, 1949): 191.

<sup>162</sup> Gitlin, 127.

<sup>163</sup> "Promissary Note of J. Harrod and J. Williams, November 9, 1778," *Kaskaskia Records*, 59-60.

<sup>164</sup> *Ibid.*, 60.

<sup>165</sup> "Gratiot at Cahokia, 25 November 1778, to Lamarche at River Des Moines," *Old Cahokia*, 202.

market, but advised Lamarche to “keep this to yourself, tell no one, as these chances can only be secured by silence.”<sup>166</sup>

Four months later, in April 1779, Gratiot’s enthusiasm for trade opportunities under the American government faded as he grew increasingly frustrated with the Virginian administration. In a letter to a different business associate, John Kay, Gratiot wrote that the trade returns he had anticipated in partnership with Lamarche were “very far from the expectations we had entertained.”<sup>167</sup> Like Cerré’s experience at Kaskaskia, Gratiot’s losses were connected to broken promises and a worthless American currency.<sup>168</sup> He observed to Kay that “as to our paper currency it won’t buy a cat in Paincourt [St. Louis].”<sup>169</sup> The letter to John Kay also indicated Gratiot’s budding interest in Spanish Upper Louisiana. Gratiot mentioned an exchange with Auguste Chouteau, a prominent French-speaking merchant from the Spanish bank, in his correspondence.<sup>170</sup> He wrote to Kay that Chouteau had advised him of trading conditions at New Orleans and cautioned that “the bills of exchange were accepted, but not paid, there being no funds provided to meet them.”<sup>171</sup> This information mirrored the obstacles that Cerré faced in Kaskaskia and linked Gratiot with established business connections in Spanish Louisiana.

Cahokia was located directly across the river from Spanish-held St. Louis and its residents benefitted commercially from access to the burgeoning trading centre.<sup>172</sup> The proximity of Cahokia to Spanish territory caused Gratiot to contrast his financial hardships with the

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<sup>166</sup> Ibid.

<sup>167</sup> “Gratiot at Cahokia, 26 April 1779, to John Kay at Prairie du Chien,” *Old Cahokia*, 206.

<sup>168</sup> Ibid., 207.

<sup>169</sup> Ibid.

<sup>170</sup> Gitlin, 127, Auguste Chouteau was born in New Orleans on September 17<sup>th</sup> 1749 and died February 24<sup>th</sup> 1829. Brenda R. Giesecker, *Old Cahokia*, 207. Chouteau was only 14 years old when he helped found the city of St. Louis in 1764. Carl J. Ekberg, *François Vallé and his World: Upper Louisiana before Lewis and Clark* (Columbia: University of Missouri Press, 2002), 55.

<sup>171</sup> “Gratiot at Cahokia, 26 April 1779, to John Kay at Prairie du Chien.” *Old Cahokia*, 207.

<sup>172</sup> Englebert, “Beyond Borders,” 52.

experience of his business contacts that lived under Spanish colonial rule. In June 1779, he resolved himself to collect a number of previously owed debts in order to recover his losses. Gratiot requested compensation from Joseph Marie Papin, a well-known French-speaking merchant and resident of the Spanish territory.<sup>173</sup> Papin expressed his desire to pay the bill; he requested the note and indicated that he would pay the bearer of said note in St. Louis.<sup>174</sup> While the Mississippi River served as an especially porous international border for French-speaking inhabitants of the middle Mississippi Valley, Gratiot observed that the likelihood of recovering his debt in Spanish territory was dubious without the note. He wrote to his uncle in June 1779 that Papin was “sheltered from any prosecution from this, I doubt if the Spanish Court could compel him.”<sup>175</sup> The legal protection of the Spanish colonial administration across the Mississippi River and the legal solidification of the international border further exposed the difficult economic conditions in Cahokia under the provisional Virginian government.

Gratiot grew increasingly aggravated with Spanish merchants as he noticed them profit from the military occupation and trade restrictions in the Virginian Illinois Country. In September 1779, Gratiot, Jean-Baptiste Hubert Lacroix, and Isaac Levy were granted exclusive trading rights for the territory “from there ascending the Mississippi up to the mouth of the Illinois River.”<sup>176</sup> The license was necessary for the three residents of Cahokia to “furnish the

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<sup>173</sup> Papin was born in Montreal on November 6, 1741 and died on September 1, 1811. Giesecker, *Old Cahokia*, 215. He married into the influential Chouteau family in 1778. His marriage to Marie Louise Chouteau, the sister of Auguste Chouteau, allowed him to enter into the Chouteau family’s extensive trade network and he participated in numerous business ventures with his in-laws. Gitlin, 127.

<sup>174</sup> “Gratiot at Cahokia, 15 June 1779, to Bernard at Montreal,” *Old Cahokia*, 215.

<sup>175</sup> Ibid.

<sup>176</sup> “Clerk’s Record, August, 1779,” *Cahokia Records 1778-1790*, 463. Jean Baptiste Hubert Lacroix was a French Canadian merchant. He acted as justice at the Court of Cahokia in 1780, 1784, 1785, and 1786. Alvord, *Cahokia Records*, 632. Isaac Levy appears to have been one of the few American residents of Cahokia in this period. He acted as the local doctor but evidently also participated in trade. Alvord, *Cahokia Records*, cxlviii & John Francis McDermott, *Old Cahokia*, 41.

[United] States with provisions and other necessary things.”<sup>177</sup> In November, however, Virginia Colonel Richard McCarty granted St. Louis merchant Charles Sanguinet a permit to travel and trade up the Illinois River.<sup>178</sup> Gratiot was outraged, and complained to military officers that the Virginian administration was not regulating trade in the interest of French-speaking American citizens. In sharp contrast to the Virginian middle Mississippi Valley, Gratiot felt that the Spanish colonial government closely restricted French-speaking American traders on the west bank of the Mississippi.<sup>179</sup> He wrote letters of complaint to both McCarty at Cahokia and later Colonel John Montgomery at Kaskaskia. He warned Montgomery that “if business continues any longer on this footing, I shall be obliged in spite my inclinations to become a Spaniard, *so as to be able to participate in all the advantages of the trade of both sides* [Emphasis Added].”<sup>180</sup> Gratiot felt that the French-speaking traders on the Spanish bank held an obvious commercial edge. The arrival of the Virginian troops brought a volatile trade market, as Cahokia merchants coped with a dismal currency and bad debt. Gratiot urged the Virginia administration to protect the interests of French-speaking American citizens, even while he had already developed a strong interest in St. Louis commerce.

The priority for the Virginian army was to retain the occupied territory and prepare for the Detroit expedition. The civil government in the middle Mississippi Valley was instructed to “co-operate with [Clark] in any military undertaking when necessary and to give the military every aid which the circumstances of the people will admit of.”<sup>181</sup> The demand for goods and supplies in preparation for the Detroit campaign, however, fluctuated unpredictably. Constant

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<sup>177</sup> “Clerk’s Record, August, 1779” *Cahokia Records*, 463.

<sup>178</sup> Gratiot send two letters of complaint, one to Colonel Richard McCarty and the other to Colonel John McCarty about this incident: “Gratiot at Cahokia, 9 November 1779, to McCarty at Cahokia,” and “Gratiot at Cahokia, 15 November 1779, to Montgomery at Kaskaskia,” in *Old Cahokia*, 226-228.

<sup>179</sup> “Gratiot at Cahokia, 15 November 1779, to Montgomery at Kaskaskia,” *Old Cahokia*, 227.

<sup>180</sup> *Ibid.*, 231.

<sup>181</sup> “Instructions from Governor Patrick Henry to John Todd, December 12, 1778,” *George Rogers Clark Papers*, 84.

setbacks delayed the launch of the offensive and left French-speaking merchants with a surplus of goods and supplies that could not be legally exported from the county but were no longer immediately needed.<sup>182</sup>

In response to discontent about the state of the Virginian economy and trade, Colonel John Montgomery observed to French-speaking inhabitants at Kaskaskia that:

As to the complaint of the worthlessness of money, I hope that it will not last long, but while waiting I am sure that all good patriots will endeavour to ease the garrison, seeing that for so many years *all their fellow-country-men are waging war and fighting for that same money*. [Emphasis Added]<sup>183</sup>

Indeed, the grievances of the Virginian Illinois Country were not particularly unique during the American Revolutionary War. Residents of Valley Forge, Pennsylvania, for example, were subjected to frequent property searches and seizures to sustain the Continental Army over the winter of 1778-1779.<sup>184</sup> Although American military and civil impressment violated the principles of the revolutionary cause, desperation outweighed the potential alienation of residents from the standpoint of government officials.<sup>185</sup> In this context, Continental officers such as Quartermaster General Nathanael Greene accepted that “the larger cause of liberty required intrusions upon the liberty of individuals in the short term.”<sup>186</sup> Indeed, the same outlook applied to the state administration in Virginian Illinois Country. Two months before John Todd’s

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<sup>182</sup> Alvord, *Cahokia Records*, lxxvii.

<sup>183</sup> “John Montgomery to the Inhabitants, August 20, 1779,” *Kaskaskia Records, 1778-1790*, 115.

<sup>184</sup> James Haw, “‘Every Thing Here Depends Upon Opinion’: Nathanael Greene and Public Support in the Southern Campaigns of the American Revolution,” *The South Carolina Historical Magazine* 109 no. 3 (July 2008): 215-216.

<sup>185</sup> For more on the history of impressment during the American Revolutionary War see chapter four in E. Wayne Carp, *To Starve the Army at Pleasure: Continental Army Administration and American Political Culture 1775-1783* (Chapel Hill: The University of North Carolina, 1984): 75-98.

<sup>186</sup> Haw, 215-216.

resignation as County Lieutenant, he advised his successor, Richard Winston, that “if the people will not Spare willingly, if in there power, you must press it.”<sup>187</sup>

Gabriel Cerré and Charles Gratiot each decided to move across the river to the Spanish bank. Cerré departed between the fall of 1779 and the winter of 1780, and Gratiot followed in 1781.<sup>188</sup> The economic benefits of the Spanish bank appealed to the French-speaking merchants.<sup>189</sup> The growth of St. Louis as a commercial centre complemented Cerré’s interest in the southern fur trade and the stability of the Spanish government was attractive.<sup>190</sup> The mandated contributions of French-speaking merchants and the worthless currency made the decision to relocate easier. For Cerré, the large garrison stationed at Kaskaskia created an uneasy partnership between the civil government and the Virginian command; the numerous grievances filed against members of the military signalled the coming administrative crisis. In the case of Gratiot, his many interactions with the merchants of St. Louis further exposed the disadvantages of American citizenship. Although Cahokia was spared the level of political turmoil that disrupted Kaskaskia, the close proximity between the village and St. Louis influenced Gratiot. In the midst of revolution, the future of Cahokia was uncertain and the Virginian administration unsupportive. Nor was their departure for the west bank of the Mississippi River a new strategy. French-speaking residents had regularly migrated across the border to Spanish Louisiana since the Treaty of Fontainebleau (1762), the founding of St. Louis (1764), and the British arrival at

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<sup>187</sup> “John Todd to Richard Winston, page 18,” *Early Chicago and Illinois*, 302.

<sup>188</sup> Alvord, *The Illinois Country, 1673-1818*, 346.

<sup>189</sup> Englebert, “Beyond Borders,” 94.

<sup>190</sup> *Ibid.*

Fort Chartres (1765).<sup>191</sup> In their decision to move across the river to Spanish Louisiana, both Cerré and Gratiot had prioritized business interests over political allegiance.

French-speaking inhabitants who resolved to stay in the American Illinois Country continued to petition Virginia administrators for support. In 1779, Kaskaskia residents petitioned the magistrates and complained that “this village has borne all the weight and expense since the arrival of the Americans, and that the other villages have felt little the burden very little or not at all.”<sup>192</sup> While soldiers were billeted throughout Cahokia homes in the summer months, the soldiers were garrisoned at Kaskaskia during the winter.<sup>193</sup> Kaskaskia was the designated headquarters for the early military operations and also garrisoned the largest number of Virginian soldiers at Fort Clark, whereas Cahokia retained a smaller garrison of Virginian troops at Fort Bowman.<sup>194</sup> The “secondary role” that Cahokia held to the larger capital of Kaskaskia shielded the village from the brunt of abuses of the Virginia troops.<sup>195</sup>

On December 8, 1779, Kaskaskia inhabitants expressed their frustration with the magistrates, whom they partially blamed for the hardships in Kaskaskia. The criticism was the first suggestion of dissention and conflict among inhabitants of the French-speaking community as a result of Virginian policies and conduct. In a petition to the court of Kaskaskia, twenty-five French-speaking villagers questioned the elected magistrates, asking “Is it not high time that you were putting a stop to the brigandage and tyranny that we are enduring at the hands of the

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<sup>191</sup> Brown, *History as They Lived It*, 155; Englebert, “Beyond Borders,” 50-52; Colin G. Calloway estimated that approximately 2,000 people migrated across the Mississippi Valley to Spanish Louisiana after the British arrival at Fort Chartres in *The Scratch of a Pen*, 125.

<sup>192</sup> “Protest of Inhabitants to Magistrates, December 8, 1779,” *Kaskaskia Records*, 138-139.

<sup>193</sup> “Inhabitants of Cahokia to de La Balme, September 21, 1780,” *Cahokia Records*, 547.

<sup>194</sup> George Rogers Clark to George Mason, 19 November 1779, *The George Rogers Clark Papers, 1771-1781*, 132, Van Ravenswaay, “Affairs at Fort Bowman, 1778-1780: Accounts and Letters,” 222; James Alexander Thom, “George Rogers Clark and the American Indian,” in *The Life of George Rogers Clark, 1752-1818: Triumphs and Tragedies* edited by Kenneth C. Carstens and Nancy Son Carstens (Westport, Praeger Publishers, 2004), 44.

<sup>195</sup> Ekberg, *French Roots in the Illinois Country*, 55.



military day to day?”<sup>196</sup> The inaction of the French-speaking justices was perceived as particularly unjust; the signatories charged that it was within the civil government’s mandate to intervene.<sup>197</sup> The petitioners employed rhetoric that reflected the new republican ideals, and reminded the justices that “it is you whom we elected to govern this country.”<sup>198</sup> The increased resentment toward the magistracy in Kaskaskia mirrored attitudes of villagers throughout the republic, as citizens across the United States blamed local officials for the consequences of impressment.<sup>199</sup> Continental officers depended on community leaders to facilitate civil impressment and therein “fundamentally misread the relationship between magistrates and inhabitants.”<sup>200</sup> According to E. Wayne Carp, the latter group only “obeyed local leaders so long as their interests were served” and strained the relationship between local governments and citizens across the United States.<sup>201</sup> Kaskaskia residents strategically embraced the populist ideals of American citizenship and used them in an attempt to regulate the elected court representatives and challenge Virginian policies.

In response to the grievance of the village residents, the Kaskaskian magistrates authored their own petition, which they forwarded to John Montgomery along with the original petition from the Kaskaskian villagers. Allegations of Virginian soldiers unlawfully killing cattle and oxen, the resulting poverty, and the burden of provisioning the military continued to dominate the narrative.<sup>202</sup> While the magistrates reiterated the villagers’ grievances, the letter was written with restraint and used humble phrases such as “we hope, sir, that you will consider” and “we

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<sup>196</sup> “Protest of Inhabitants to the Magistrates, December 8, 1779,” *Kaskaskia Records*, 137.

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.* Under the structure of the Virginia administration, members of the court were “placed in power by the people” and were no longer appointed. “Speech of John Todd, May 12, 1779,” *Kaskaskia Records*, 84

<sup>199</sup> Carp, 96-97.

<sup>200</sup> *Ibid.*

<sup>201</sup> *Ibid.*

<sup>202</sup> *Ibid.*

beg you, sir, to remember that.”<sup>203</sup> The language demonstrated their deference to Virginian authority, yet conveyed their assertive demand for the recognition of French rights as American citizens.<sup>204</sup> Unlike the original village petition, the magistrates cited specific evidence from the Declaration of Rights of the Assembly of Virginia. They invoked Article 13, which “said that in all cases the military must be under the most exact subordination to and governed by the civil power, to which declaration up to the present time the military has paid no attention.”<sup>205</sup> The reference to a specific act within the Virginian Declaration of Rights was necessary to denote the seriousness of the petition by the Kaskaskia magistrates, since Montgomery was already familiar with this line of grievances.<sup>206</sup> The justices closed with the hopes that their grievances would be heard and suggested that otherwise it would be “our painful duty to be obliged to appeal to his Excellency the Governor and to the Honourable Assembly of Virginia.”<sup>207</sup>

The arrival of spring in 1780 brought a real threat to the state of Virginia as British troops gained footing along the coast of the southern states.<sup>208</sup> The British offensive caused a transition in focus for the Northwest campaign and George Rogers Clark. Governor of Virginia, Thomas Jefferson, maintained a number of concerns about the plan to take Detroit and encouraged Clark to consider an alternative expedition against the Shawnee to protect the Kentucky settlements.<sup>209</sup> In January 1780, Jefferson authorized construction of a new post, Fort Jefferson, at the junction

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<sup>203</sup> “The Magistrates to John Montgomery, December 8, 1779,” *Kaskaskia Records*, 140-141.

<sup>204</sup> The use of humble language was formulaic and common in French Catholic petitions in Quebec and Grenada to display subjecthood. Muller, 48.

<sup>205</sup> “The Magistrates to John Montgomery, December 8, 1779,” *Kaskaskia Records*, 142.

<sup>206</sup> Montgomery pushed French-speaking inhabitants to give up provisions for the American cause, and complained to Clark that they “aGain Repete to Me that them Selves and Negroes is neaked,” in October. “John Montgomery to George R. Clark, October 2, 1779,” *Kaskaskia Records*, 126-127.

<sup>207</sup> “The Magistrates to John Montgomery, December 8, 1779,” *Kaskaskia Records*, 142.

<sup>208</sup> Alvord, *The Illinois Country*, 348.

<sup>209</sup> Jefferson succeeded Patrick Henry as the Virginia State Governor on June 1, 1779. Martin West, “Clark’s 1780 Shawnee Expedition,” *The Life of George Rogers Clark, 1752-1818*, 178.

of the Ohio River and Mississippi Rivers in present-day western Kentucky.<sup>210</sup> The fort replaced Kaskaskia as the military headquarters for the Northwest front and signalled the end of Clark's plan to capture Detroit.

The push for the Detroit campaign was quickly renewed, however, in the summer of 1780 with the arrival of Augustin Mottin de La Balme to Virginian Illinois Country. He was a Colonel with the French army, and was appointed Lieutenant Colonel and Inspector General of the Calvary by the Continental Congress upon reaching America.<sup>211</sup> Like Clark, de La Balme was convinced that the Northwestern Campaign hinged on the capture of Detroit. Since the Continental Congress was not interested in another planned expedition against the British-held post, he enlisted his own volunteers from the French-speaking communities in the Illinois Country.<sup>212</sup> De La Balme's tour for recruits made its first stop at Vincennes sometime in July, and then travelled to Kaskaskia, Cahokia, and St. Louis with an escort of thirty Frenchmen and Indigenous peoples.<sup>213</sup> His address on September 17, 1780 offered a solution to resolve the grievances against Virginia troops and the problem of currency.<sup>214</sup> He proposed that French-speaking inhabitants petition both the Virginian assembly and the French Second Minister to the United States, Anne-César de La Luzerne, to request the evacuation of troops from the territory.<sup>215</sup> In addition to the reparation of grievances, he urged French-speaking inhabitants to volunteer for his military campaign.

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<sup>210</sup> Kenneth C. Carstens, "Fort Jefferson: George Rogers Clark's fort at the mouth of the Ohio, 1780-1781," *The Life of George Rogers Clark, 1752-1818*, 115.

<sup>211</sup> Bradley J. Birzer, "French Imperial Remnants on the Middle Ground: The Strange Case of Auguste de la Balme and Charles Beaubien," *Journal of the Illinois State Historical Society* 93 no 2 (Summer, 2000): 136.

<sup>212</sup> Alvord, *The Illinois Country*, 350. There appears to be no evidence to suggest whether he was acting independently or on instruction which makes de La Balme an unusual case, Birzer, 137.

<sup>213</sup> "McCarty to Clark, Kaskaskia 14<sup>th</sup> Oct 1780," *Cahokia Records*, 621.

<sup>214</sup> Ibid.

<sup>215</sup> "Address of Colonel de la Balme, September 17, 1780," *Kaskaskia Records*, 181-189.

The relationship between de La Balme and the French-speaking villagers has often been examined through the lens of Virginia officers. This has resulted in a depiction of Mississippi Valley residents as puppets in de La Balme's larger plan. Clarence Alvord contended that French-speaking inhabitants were "deceived" by de La Balme's promises and were manipulated into believing that French troops would soon arrive in the Illinois Country.<sup>216</sup> Bradley J. Birzer chose to depict the interaction between de La Balme and French-speaking villagers through Captain Richard McCarty, who compared the inhabitant's reception of de La Balme to that of "the Hebrews would have received the Messiah."<sup>217</sup> This interpretation has ignored the agency of French-speaking residents, who actively protested against the violation of social norms and protected their communities.

It was reasonable to believe de La Balme's claims of France's interest in the territory beyond his own assurances. In September 1778, M. Monforton, a Detroit resident and notary, speculated to Cerré that "one can expect to see Canada again subject to French laws."<sup>218</sup> There was still belief among some that the French participation and contribution to the American Revolutionary War signalled an interest in re-establishing and renewing the French colonies in mainland America. To ensure the allegiance of the French-speaking residents, the Virginia council advised Clark in 1778 to distribute copies of the United States Declaration of Independence, the Bill of Rights, and news of the French alliance with the inhabitants.<sup>219</sup> The American alliance with France was a particularly important announcement since it could have been perceived as a French endorsement of the Virginian occupation. Alvord contended that the alliance with France was "Clark's trump card" that assured his takeover of the British-held

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<sup>216</sup> Alvord, *Cahokia Records*, xcii.

<sup>217</sup> Birzer, 139.

<sup>218</sup> M. Monforton to Gabriel Cerré, Sept 22<sup>nd</sup>, 1778," *Kaskaskia Records*, 54.

<sup>219</sup> "Instructions to Clark from the Virginia Council, December 12, 1778," *George Rogers Clark Papers*, 80.

territory.<sup>220</sup> De La Balme was also not the first agent who claimed to be an envoy of the French government. On May 10, 1780, shortly before de La Balme's arrival in the Virginian Illinois Country, another Frenchman named Jean de St. Germain was recorded to have arrived in Kaskaskia in an official capacity.<sup>221</sup> The French agent treated with the Potawatomi and Sauter nations on behalf of King Louis XVI and encouraged the Indigenous groups to support the United States, Spain, and France in their common cause.<sup>222</sup> The constant shifting of political borders meant that a return to French government was not out of the question.

French-speaking residents across Virginian Illinois Country responded positively to de La Balme's proposal to attack Detroit. Five of the prominent villagers in Kaskaskia: Joseph Brazeaux, Jean-Baptiste St Gemme Bauvais, Nicholas Caillot *dit* Lachanse, Nicholas Janis, and Joseph Duplasy provided him with supplies for the expedition to Detroit.<sup>223</sup> Although it remains unclear why de La Balme was so interested in the capture of Detroit, he convinced a combined force of eighty French and Indigenous peoples to enlist in his campaign.<sup>224</sup> A recent increase in raids from a band of British forces in the Virginian Illinois Country might explain the local support for de La Balme's campaign to Detroit. In the spring and summer of 1780 the village militias and remaining Virginian military fended off numerous attacks from British forces.<sup>225</sup> The planned attacks on St. Louis and Cahokia were part of a coordinated offensive that was

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<sup>220</sup> Alvord, *Cahokia Records*, xlv, n. 33.

<sup>221</sup> *Ibid.*

<sup>222</sup> "Proclamation by Montgomery, Winston, and St. Germain, May 6, 1780," *Kaskaskia Records*, xc & 156-158.

<sup>223</sup> "Statement of Goods Furnished de La Balme, October 2, 1780," *Kaskaskia Records*, 193-194.

<sup>224</sup> Alvord, *The Illinois Country*, 350.

<sup>225</sup> On April 11, 1780, Cahokia villagers chose Charles Gratiot to present a petition for assistance since they were on the eve of an attack from Indigenous groups. Virginian officers also sent Clark letters of distress and he returned to Cahokia from Fort Jefferson in May. He coordinated with Spanish Governor Fernando de Leyba to defend the communities of St. Louis and Cahokia from a British attack that occurred the following day. Kaskaskia was also threatened by a number of attacks and fended off a particularly large raid on July 17<sup>th</sup>. The threats on the two villages are outlined in great detail by James in the *George Rogers Clark Papers*, cxxvii-cxxxiv and Alvord in the *Cahokia Records*, lxxxviii.

intended to retake the American West from the Falls of the Ohio to Forts Pitt and Cumberland.<sup>226</sup> Emmanuel Hesse, a British Captain and fur trader, led expedition into the Virginian Illinois Country with a combined force of British, Menominee, Sauk, Foxes, Winnebago, and Ottawa Indigenous groups.<sup>227</sup> The threat of British raids from Mackinac and Detroit prevented Illinois Country villagers from safely cultivating their crops.<sup>228</sup> French-speaking inhabitants thus supported de La Balme's plan to take Detroit in order to protect their families and property from further attacks.

Cahokian and Kaskaskian villagers authored petitions to de La Balme on September 21<sup>st</sup> and 29<sup>th</sup> respectively.<sup>229</sup> La Balme's impressive political connections and his French nationality made him an ideal candidate to speak for French villagers.<sup>230</sup> The rank of Colonel in the French Army also gave La Balme credibility as he held a comparable military position to the commandant of Virginian Illinois Country, John Montgomery. The petitions formally requested that de La Balme represent their interests at the Virginia assembly and "act in their name."<sup>231</sup> The petitions were likely intended to accompany de La Balme on his journey to Detroit and then the Virginia legislature, since they were written before his departure.<sup>232</sup> Both petitions reiterated the grievances that the French communities had endured under the Virginia administration and the promises of liberty and government that were made following the takeover in 1778.

The effectiveness of de La Balme's representation, however, was never tested. In a twist of fate, de La Balme was killed before reaching Detroit, during a raid at Kekionga, present day

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<sup>226</sup> James, *George Rogers Clark Papers*, cxxix.

<sup>227</sup> *Ibid.*, cxxvii.

<sup>228</sup> "Petition to Clark for the Defense of Cahokia, April 11, 1780," *George Rogers Clark Papers*, 411.

<sup>229</sup> "Inhabitants of Cahokia to de La Balme, September 21, 1780," *Cahokia Records*, 535-553; "Inhabitants of Kaskaskia to de La Balme, September 29, 1780," *Kaskaskia Records*, 189-192.

<sup>230</sup> Most notably, De La Balme presented a letter of recommendation from Benjamin Franklin when he applied to the American army. Birzer, 136.

<sup>231</sup> "Inhabitants of Kaskaskia to de La Balme, September 29, 1780," *Kaskaskia Records*, 192.

<sup>232</sup> "Statement of Goods Furnished de La Balme, October 2, 1780," *Kaskaskia Records*, 193-194.

Fort Wayne, Indiana.<sup>233</sup> Upon learning of his death, Kaskaskia inhabitants quickly pursued the possibility of being represented by an alternative French national and petitioned the French Second Minister to the United States, Anne C  zar de La Luzerne to act on their behalf at the Virginia legislature instead.<sup>234</sup> The Kaskaskians included a copy of the original petition and urged Luzerne to consider their proposal as former subjects who professed loyalty to the French prince. The French-speaking inhabitants of Kaskaskia were aware of the influence their petition would hold if presented by the French diplomat and wrote that the alliance between the Americans and French induced them to beg him “to be kind enough to intercede for us in the General Congress for the reparation of the wrongs, which we explain in our writing.”<sup>235</sup> While there is no record of response from Luzerne, the actions of the Kaskaskians indicates that they were proactive agents with their own strategy. Although the Detroit campaign ultimately failed and none of the petitions were presented at the Virginia legislature, the case of Augustin de La Balme provides yet another example where French-inhabitants seized an opportunity to protect their community interests.

The American Revolutionary War defined the Virginian occupation of the Illinois Country. Although establishing a good relationship with French-speaking inhabitants was strategically important for the Americans, it was only valuable insofar as it contributed to the primary goals of Clark’s military campaign – protecting Kentucky settlements, defeating the British, and capturing Detroit.<sup>236</sup> The delays that plagued the Detroit expedition caused a rift between the Virginians and the French-speaking peoples of the Illinois Country, as inhabitants adjusted to the consequences of American rule. Residents of Kaskaskia and Cahokia developed

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<sup>233</sup> Birzer, 146.

<sup>234</sup> “Inhabitants of Kaskaskia to Luzerne, No Date [1780?],” *Kaskaskia Records*, 199-201.

<sup>235</sup> *Ibid.*, 200.

<sup>236</sup> “Instructions from Governor Patrick Henry to John Todd, December 12, 1778,” *George Rogers Clark Papers, 1771-1781*, 84.

strategies to survive in order to protect their business and families during the first years of the Virginia government. In response to the disruption and abuses of their social norms French-speaking inhabitants made use of certain performative behaviours, such as community petitions and migration as coping mechanisms. French-speaking residents had requested the establishment of an Anglo-American-style court system as early as 1772, and were familiar with the ideals of revolution. For most regime change did not necessarily equate with an immediate loss of local French economic and social autonomy.<sup>237</sup> But the French-speaking residents of the Illinois Country were not always united in their response to the Virginians. American rule exposed early signs of division within the French-speaking community at Kaskaskia, as villagers admonished the elected magistrates for their perceived failure to protect French interests and rights. As the Virginian government refocused on the Kentucky frontier in 1780, both Cahokia and Kaskaskia were exposed to attacks from British forces for their role in the ongoing conflict and as a key provisioning point for Virginian troops.<sup>238</sup> As it became increasingly evident that the promised benefits of becoming American citizens were not being realized, some residents, such as Gabriel Cerré and Charles Gratiot, chose to move across the river to St. Louis and changed political allegiances to strategically protect business interests and family life. Those Kaskaskian and Cahokian residents who remained on the American side opted to continue to petition local authorities, and eventually the Virginia State Legislature, requesting reparations for their grievances. Their efforts demonstrated a clear evolution in strategy as they gradually approached higher authorities and discovered new ways to apply pressure on administrators. French-speaking residents were therefore active participants in their response to the Virginian takeover of the

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<sup>237</sup> Jesús F. de la Teja and Ross Frank define social control as “a broad concept encompassing the myriad ways in which a society attempts to maintain order by persuading, coercing, or educating individuals to accept and behave according to the principles and values-norms-of the group of which they are members, want to become members, or have been compelled into membership” in *Choice, Persuasion, and Coercion*, xiii.

<sup>238</sup> James, *George Rogers Clark Papers*, cxxvii-cxxxiv; Alvord, *Cahokia Records*, lxxxviii.



Illinois Country in a multitude of ways, and their strategies continued to evolve as circumstances dictated.

## Chapter Two: The Dodge Years Re-Examined, 1782-1785

On April 1, 1783 Father Pierre Gibault wrote to Jean-Olivier Briand, the Bishop of Quebec, from his residence at Ste. Genevieve in Spanish Upper Louisiana.<sup>239</sup> The correspondence was necessarily brief, as a member of the Ducharme family had arranged to collect his letter within the half hour.<sup>240</sup> Gibault requested some general counsel from the bishop and reported on the activity of his colleague, Father Bernard von Limbach, who served the parishioners of Spanish Louisiana but had agreed to relieve Gibault of his ecclesiastical duties at Cahokia.<sup>241</sup> As Vicar General for the Illinois region, Gibault's own parishes included the French-speaking communities on the east side of the Mississippi River, yet he also tended to the congregation at Ste. Genevieve on the west side of the river. Gibault hoped for a reply from the bishop, as he had "more need of [his consolation] than ever."<sup>242</sup> He relayed to Briand that living conditions of his parishioners in the United States had worsened with the close of the revolutionary war. Moreover, the Illinois Country appeared to have descended into disorder. Father Gibault wrote that:

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<sup>239</sup> Gibault was a Seminarian (Seminary of the Foreign Mission) priest sent to the Illinois Country at the request of the Jesuit missionary Father Sébastien-Louis Meurin in the Spring of 1767. Daniel Hechenberger, "The Jesuits: History and Impact: From Their Origins Prior to the Baroque Crisis to Their Role in the Illinois Country," *Journal of the Illinois State Historical Society* 100 no. 2 (Summer: 2007): 101. Alvord misidentified the recipient as the Archbishop of Quebec instead of the Bishop of Quebec, since the diocese was not elevated to an archdiocese until 1817. "Father Gibault to the Archbishop of Quebec, April 1, 1783," *Kaskaskia Records*, 520.

<sup>240</sup> "Father Gibault to the Archbishop of Quebec, April 1, 1783," *Kaskaskia Records*, 520. The Ducharme family residents of the village of Cahokia and had connections to Montreal. Alvord, *Cahokia Records*, 628.

<sup>241</sup> Gilbert J. Garraghan, "The Ecclesiastical Rule of Old Quebec in Mid-America," *The Catholic Historical Review* 19 no. 1 (April 1933): 30.

<sup>242</sup> "Father Gibault to the Archbishop of Quebec, April 1, 1783," *Kaskaskia Records*, 521.

“After having been ruined and worn out by the Virginians and left without a commandant, without troops, and without justice, [the French-speaking inhabitants] are governing themselves by whim and caprice, or, to put it better, by the law of the strongest.”<sup>243</sup>

The chaos that Gibault described, however, was seen to be temporary, and he assured Briand that they expected “in a short time, some troops with a commandant and a regulated court of justice.”<sup>244</sup> Pressed for time, Gibault signed off with the promise to write a longer account of the past four or five years by way of Augustin Dubuque and to remain Briand’s very humble servant.<sup>245</sup>

Gibault’s short letter to the Bishop addressed the tensions between continuity and change in the American Illinois Country. Only one year earlier, the Virginian county of Illinois ceased to officially exist under the terms of the original state legislation that had brought the jurisdiction into being.<sup>246</sup> The expiration of Virginian authority in the American Illinois Country and eliminated state oversight as the geo-political landscape of the region changed once again.<sup>247</sup> Consequently, the civil government organized under George Rogers Clark no longer carried legal authority. Formal American administrative authority was not reinstated until the Continental Congress passed the Northwest Ordinance on July 13, 1787.<sup>248</sup> The five year wait for

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<sup>243</sup> Ibid., 520.

<sup>244</sup> “Father Gibault to the Archbishop of Quebec, April 1, 1783,” *Kaskaskia Records*, 520.

<sup>245</sup> Alvord deduced that the “Mr. Dubuc” referred to Augustin Dubuque “Father Gibault to the Archbishop of Quebec, April 1, 1783,” *Kaskaskia Records*, 520. Augustin was a member of the prominent French-Canadien Dubuque family. According to Robert Englebert, he operated as a supplier and made regular trips from the Illinois Country to Montreal and Michilimackinac. He was also the subject of a number of lawsuits in Cahokia, which have been chronicled by Englebert in “Beyond Borders,” 125-131.

<sup>246</sup> The first session of the State Legislature of the year marked the legal end of the Virginian administration in the Illinois Country, Alvord, *The Illinois Country*, 358. The state did not officially cede the territory between the Ohio and Mississippi Rivers to the federal government until March 1, 1784, Reginald Horsman, “The Northwest Ordinance and the Shaping of an Expanding Republic,” *The Wisconsin Magazine of History* 73 no 1 (Autumn: 1989), 22-27.

<sup>247</sup> Alvord, *The Illinois Country*, 359.

<sup>248</sup> The Northwest Ordinance made sweeping provisions for the territory northwest of the Ohio River. The region was to be divided into three states, which could enter the union upon reaching a population of 60,000. There were two stages of government. The first provided for a governor, secretary, and three judges who were appointed by Congress. The second called for the election of a house of representatives and legislative council, under the purview of the governor. Reginald Horsman, “The Northwest Ordinance and the Shaping of an Expanding Republic,” 32;

government was a part of the transition from the American Revolutionary War to the Early Republic. Following the Treaty of Paris, signed September 3, 1783, Congress focused on its own national political evolution from “a wartime directorate toward a rationalized structure,”<sup>249</sup> for the governance of the United States. According to Reginald Horsman, during the initial establishment of the Early Republic, a number of Americans were led to believe that their “great republican experiment was in jeopardy. At the heart of such fears was the belief that the general Confederation government had insufficient power to protect itself from internal confusion and external pressures.”<sup>250</sup>

The Treaty of Paris also prompted the Holy See to re-examine the boundaries of its North American dioceses. In 1777, the Vatican acknowledged the outcome of the Seven Years War and reorganized the territory west of the Mississippi River under authority of the Diocese of Santiago de Cuba in the Spanish West Indies.<sup>251</sup> In 1784, the Vatican recognized the United States as a separate district of the Catholic Church and appointed John Carroll as Prefect Apostolic.<sup>252</sup> The religious jurisdiction of the American Illinois Country, however, was not explicitly addressed in the decree and was not officially designated as part of the diocese of Baltimore until 1791.<sup>253</sup> The ecclesiastical boundary between the Diocese of Quebec and the newly organized prefecture was unclear for a seven-year period, as Catholic priests from three separate jurisdictions operated in the same territory. The ambiguous and, at times, total absence of imperial and ecclesiastical

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Richard Hill, “Federalism, Republicanism, and the Northwest Ordinance,” *Publius* 18 no 4, Land and Liberty in American Society: The Land Ordinance of 1785 and the Northwest Ordinance of 1787 (Autumn: 1988): 47-48.

<sup>249</sup> Richard P. McCormick, “Ambiguous Authority: The Ordinances of the Confederation Congress,” *The American Journal of Legal History* 41 No. 4 (October 1997): 428.

<sup>250</sup> Horsman “The Northwest Ordinance and the Shaping of an Expanding Republic,” 28.

<sup>251</sup> Garraghan, 30.

<sup>252</sup> The decree was made on June 9, 1784 by the prefect of the Sacred Congregation *de Propaganda Fide*, Alvord, *Kaskaskia Records*, xxxiv.

<sup>253</sup> Garraghan, 30.

authority created an administrative vacuum in the Illinois Country, the perfect storm for civil unrest.

This chapter argues that the absence of the two institutions that regulated village society in the Illinois Country, the Church and the state, expedited the breakdown of civil government and French society in Kaskaskia. From 1782-1785, responses to governmental and ecclesiastical ambiguity in the two largest middle Mississippi Valley communities occurred in distinct contrast to each other. While the village of Cahokia emerged from the five-year period of jurisdictional uncertainty with minimal disruption, Kaskaskia quickly collapsed into political turmoil. A series of interconnected factors contributed to the administrative and societal breakdown of the latter village. As the county seat and the largest French-speaking village in Virginian Illinois, Kaskaskia was not only the political and commercial hub but also garrisoned the majority of the Virginian Illinois regiment. The much larger community was therefore exposed more frequently to newcomers, such as Anglo-American speculators and merchants and, as the American Revolutionary War drew to a close, former Virginian military officers.<sup>254</sup> As early as January 1780, the Virginian state began to take the first steps toward the military and legal withdrawal from the Illinois Country as the Detroit campaign was suspended in favour of an expedition against the Shawnee in Kentucky.<sup>255</sup> The change in military strategy repositioned Kaskaskia as an ancillary post on the outer edge of the Northwestern front, removed from George Rogers Clark's new military headquarters down the Mississippi River at Fort Jefferson.<sup>256</sup> The departure

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<sup>254</sup> Brown, *History as They Lived It*, 196.

<sup>255</sup> Martin West, "Clark's 1780 Shawnee Expedition," *The Life of George Rogers Clark, 1752-1818*, 178; Kenneth C. Carstens, "Fort Jefferson: George Rogers Clark's fort at the mouth of the Ohio, 1780-1781," *The Life of George Rogers Clark, 1752-1818*, 115.

<sup>256</sup> In the fall of 1781 Virginian state troops were evacuated from the territory, leaving behind an advance guard stationed at Kaskaskia. As formal peace negotiations began between Britain, the United States, and European allies from 1782-1783, Clark and residual members of the Illinois regiment at Kaskaskia were discharged altogether. Alvord, *The Illinois Country*, 352-354.

of Clark was a significant blow to Kaskaskia in particular. In his tenure as the military commandant of Illinois County, Clark had erected the provisional state government at Kaskaskia and had worked to mediate, however ineffectually, the conflicting interests of the civil administration and military in wartime.

The village of Kaskaskia was not equipped to administer the geo-political and demographic shift that took place at the close of the American Revolutionary War. Throughout the eighteenth century, French communities in the North American interior operated according to a set of shared principles that were based on the legal and religious conventions of France.<sup>257</sup> The *Coutume de Paris* and the Catholic Church were the pillars of Illinois Country society and “taught patterns of behavior to their members through which individuals understood their place in society and their relationship to each other member of society.”<sup>258</sup> As the populations at Kaskaskia and Cahokia outgrew their mission designations into villages in the French period, the community parishes remained at the centre of daily life.<sup>259</sup> The Catholic Church regulated the village hierarchy, functioned as the site of village meetings, controlled the social calendar, and administered the sacraments for each life event from baptism, marriage, the consecration of a new home, blessing the harvest, to the performance of last rites.<sup>260</sup> The *Coutume de Paris*, the French customary law code, pertained to family and property law, and protected the authoritarian and patriarchal social order established in early modern France.<sup>261</sup> Together, these institutions operated as persuasive mechanisms of social control in the French Illinois Country, as they

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<sup>257</sup> Brown, *History As They Lived It*, 110.

<sup>258</sup> Teja and Frank, xiii; Brown, *History as They Lived It*, 110.

<sup>259</sup> According to Natasha Maree Belting, Kaskaskia outgrew its designation as a mission on June 18, 1719. *Kaskaskia Under the French Regime*, 21.

<sup>260</sup> *Ibid.*, 21, 68-71.

<sup>261</sup> John A. Dickinson, “New France: Law, Courts, and the *Coutume de Paris*,” *Manitoba Law Journal* 23 (1995): 38-40; See also chapter seven, “The *Coutume de Paris* Rules,” in Ekberg and Person, *St. Louis Rising*, 127-146.

determined and enforced the principles and values (norms) that constituted village society.<sup>262</sup>

Without coercive means to police the arrival of newcomers and in the absence of the community's critical institutions, the underpinnings of Kaskaskia society were easily undermined.

The period of administrative collapse at Kaskaskia requires re-examination. Clarence Walworth Alvord's seminal work *The Illinois Country*, published in 1920, remains the most detailed account of the political disruption that occurred in the village from 1782-1785. However, his account of the period all but erases the agency of French-speaking inhabitants from the narrative. Historians of the French-speaking Illinois Country writing more recently have given the administrative collapse of the largest settlement east of the Mississippi River passing mention and have reiterated Alvord's perspective of the complex events at Kaskaskia. Most notably, historians have continued to credit John Dodge and his Anglo-American supporters as the instigators of the political turmoil and the "tyranny" that followed.<sup>263</sup> This interpretation reduces French-speaking residents in the period to peripheral roles within their own community, as either incidental supporters or victims of Anglo-Americans. This chapter retraces the rise and fall of John Dodge's influence in Kaskaskia from 1782-1785 and seeks to correct the existing scholarship, which fails to fully consider the nuanced role of French-speakers in the events that transpired in the predominantly French-speaking community.

As early as 1780, conditions at Kaskaskia foreshadowed the breakdown of provisional government and social cohesion. The administration of Kaskaskia became increasingly divided,

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<sup>262</sup> Social control is defined as: "A broad concept encompassing the myriad ways in which a society attempt to maintain order by persuading, coercing, or educating individuals to accept and behave according to the principles and values—norms—of the group of which they are members, want to become members, or have been compelled into membership." Teja, xiii.

<sup>263</sup> Brown, *History As They Lived It*, 180; Gitlin, 43; Morrissey, *Empire by Collaboration*, 232-233.

as the Virginian military, the largely French-speaking court, and County Lieutenant Richard Winston vied for opposing interests. Reports of serious misconduct in Illinois County reached Governor Thomas Jefferson as early as January 20, 1781. In a letter to Clark, Jefferson called for an investigation into “whether Mr. John Dodge who was appointed to conduct commerce with the Indians on behalf of this state has not been guilty of gross misapplication or mismanagement of what has been confided to him.”<sup>264</sup> Dodge was a well-connected Anglo-American trader and Indian Agent for the Virginian state who had recently taken up residence in Kaskaskia on the recommendation of George Washington and Jefferson himself. Provided the allegations against Dodge were substantiated, Jefferson ordered Clark to “remove [Dodge] from his office and take such measures as may be most effectual for bringing him to account and indemnifying the public against such malversations.”<sup>265</sup> Yet the political corruption within Kaskaskia was systemic, and reached well beyond the actions of a single state official.

In 1780, military and civil leadership at Kaskaskia was in crisis. In less than one year, the military command of the Virginian Illinois transferred from Clark to Colonel John Montgomery, and then again to Captain John Rogers.<sup>266</sup> The change in Commandant was the subject of extensive complaints from all quarters, French and Virginian. On May 4, 1781, Kaskaskians alleged in a petition to Jefferson that Clark’s replacements used intimidation tactics, illegally searched and seized provisions, and colluded with Dodge.<sup>267</sup> A letter of complaint from County Lieutenant Richard Winston and Captain Richard McCarty, a Virginian officer stationed at Fort Bowman in Cahokia, corroborated the criticism of Rogers’ heavy-handed command at

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<sup>264</sup> “Thomas Jefferson to George Rogers Clark, January 20, 1781,” *George Rogers Clark Papers*, 499.

<sup>265</sup> *Ibid.*

<sup>266</sup> Alvord, *Cahokia Records*, lxxvi & xcv.

<sup>267</sup> “Petition to the Governor of Virginia from the Inhabitants of Kaskaskia, May 4, 1781,” *Kaskaskia Records*, 233-240. Alvord, *Cahokia Records*, xcv; “John Todd Jr. to Thomas Jefferson, June 2, 1780,” *George Rogers Clark Papers*, 422.



Kaskaskia.<sup>268</sup> Leadership within the civil government was similarly unstable; County Lieutenant John Todd resigned from the position and departed Illinois County in November of 1779. The executive appointment was transferred to Todd's deputy, the aforementioned Richard Winston, a former agent for the Anglo-American mercantile firm Baynton, Wharton, and Morgan, and a Captain in the Virginian military.<sup>269</sup> As County Lieutenant, Winston became the new head of civil government and chief magistrate of Illinois County in the midst of administrative upheaval and contested civil authority.<sup>270</sup> Indeed, less than a year after he assumed the County Lieutenancy, Winston described his inability to check the remaining members of the Virginian military.

As to our Civil Department 'tis but in an Indiferent way ever since the Military refused their prison, for which we offered to pay handsomely and since which They Stretch greatly to bring the Country under Military rod and throw of the Civil Authority. So fond they are to be meddling with what is not within their Power. There is strange things carried on in this place.<sup>271</sup>

As the set boundaries between the Virginian military and civil jurisdictions in Kaskaskia were increasingly ignored, the executive and judicial branches of the provisional government ceased to function in tandem. Despite five judicial elections from August 2, 1779 to September 15, 1782, a small group of merchant elite monopolized the Kaskaskia court.<sup>272</sup> The conduct of the largely French-speaking court generated criticism from Kaskaskians and Virginian civil officials alike, magistrates were accused of neglecting to fulfill mandated responsibilities and failing to

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<sup>268</sup> "John Rogers to Thomas Jefferson, April 29, 1781," *George Rogers Clark Papers*, 545.

<sup>269</sup> Alvord, *The Illinois Country*, 347.

<sup>270</sup> The executive function of the position in the Virginian Illinois differed from the County Lieutenancy within the Virginian State. The latter appointment involved the supervision of Virginian militiamen and officers, whereas in Illinois County the position was exclusively civil. Albert H. Tillson, Jr., "The Militia and Popular Culture in the Upper Valley of Virginia, 1740-1775," *The Virginia Magazine of History and Biography*, 94 no 3 Virginians at War, 1607-1865 (July: 1986): 289.

<sup>271</sup> "Richard Winston to Colonel John Todd, October 24, 1780," *Early Chicago and Illinois*, edited by Edward G. Mason, Chicago Historical Society's Collection Volume 4 (Chicago: Fergus Printing Company, 1890), 339.

<sup>272</sup> "Election," *Kaskaskia Records*, 107, 269, 271, 301.

advocate for community rights.<sup>273</sup> In the fall of 1781, French-speaking representatives of the Kaskaskia court engaged in a public dispute with Winston over his decision to appoint Joseph Antoine Labuxière Jr. as notary and Virginia State's Attorney.<sup>274</sup> Correspondence between the Kaskaskia court, Winston, and Jacques La Source, the court president, demonstrated a heated exchange over jurisdictional authority, wherein both sides accused the other of despotism.<sup>275</sup> As Robert Englebert points out, the case demonstrated the ongoing importance of the notary in Virginian Illinois society as a legal and commercial intermediary.<sup>276</sup> Moreover, the legal debate became the culminating point for tensions within the civil government at Kaskaskia.

From 1782-1785, the tripartite rivalry among military, executive, and judicial representatives of the Virginian state grew into an overt contest for civil authority at Kaskaskia. In the absence of federal oversight, the village divided into identifiable political factions: supporters of the largely French-speaking court, those who supported John Dodge, and those who supported Richard Winston. The ensuing political unrest closely resembled Shannon Lee Dawdy's "rogue colonialism" model, as the French-speaking village became a pocket of resistance in the Midwestern United States. In her examination of French colonial New Orleans, Dawdy reasoned that at the global level "colonialism frequently creates conditions that foster not only cultures of resistance, but also circuits of seditious power and contraband flow—what one might, without irony, call *rogue colonialism*."<sup>277</sup> Like French colonial New Orleans, the

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<sup>273</sup> "Jean Girault to the Court," *Kaskaskia Records*, 154; "Protest of Inhabitants to Magistrates, December 8, 1779," *Kaskaskia Records*, 138-139.

<sup>274</sup> The legal records from the dispute over the notary position are contained in the *Kaskaskia Records*, 254-268.

<sup>275</sup> According to La Source, Winston "is encroaching on the rights of the people, wishes to introduce despotism into the country." "Jacques LaSource to the Magistrates of the Court of Kaskaskia, September 1, 1781," 266. According to Winston, the Kaskaskia court was guilty of an "act of atrocious duplicity" and reminds the reader that "the council of the State of Virginia... expressly forbids all judges to arrogate to themselves a supreme and despotic power." "Placard Concerning Office of Notary by Richard Winston, August 30, 1781," *Kaskaskia Records*, 262.

<sup>276</sup> Englebert, "Beyond Borders," 52-53.

<sup>277</sup> Shannon Lee Dawdy, *Building the Devil's Empire: French Colonial New Orleans* (Chicago: University of Chicago Press, 2008):4

increasingly experimental and ambiguous nature of government in the American Illinois Country aggravated existing internal conflict at Kaskaskia and caused the formation of organized syndicates, which openly challenged or manipulated the status quo for personal gain.<sup>278</sup>

The roguish activity at Kaskaskia reached a turning point on the morning of April 29, 1782, when Lieutenant Israel Dodge and a party of Virginia military men took Winston prisoner at his residence in Kaskaskia and charged him with treason.<sup>279</sup> The Lieutenant acted under the directive of his brother John Dodge, who issued the arrest order and lead the accusations against Winston.<sup>280</sup> Dodge had amassed the support of active and former members of the Virginian military, many of whom were named as witnesses in the case against Winston.<sup>281</sup> The French-speaking Kaskaskia court, however, was notably excluded from the initial event; the magistrates learned of the arrest second hand from Marguerite Farqueson, Winston's wife.<sup>282</sup> Under the fabricated title of "Captain Commandant," Dodge named himself as the first arbiter in his case against Winston and instructed his brother, Lieutenant Israel Dodge to "bring [Winston] before me to give an account of his conduct."<sup>283</sup> It was not until the afternoon at an emergency court session that Dodge and his prisoner appeared before the Kaskaskia magistrates to pursue formal charges.

The Kaskaskian magistrates maintained a strategically arms-length approach to the legal dispute. On April 30, the court decreed in a written judgment that they refused to consider the

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<sup>278</sup> Ibid., 5.

<sup>279</sup> "Richard Winston's Protest Against his Arrest, April 29, 1782," *Kaskaskia Records*, 274. For more on the charge of treason and its development see: Bradley Chapin "Colonial and Revolutionary Origins of the American Law of Treason," *The William and Mary Quarterly* 17 no. 1 (January: 1960): 3-21.

<sup>280</sup> "Richard Winston's Protest Against his Arrest, April 29, 1782," *Kaskaskia Records*, 274.

<sup>281</sup> "The Arrest of Richard Winston, April 29, 1782," *Kaskaskia Records*, 272; "Richard Winston's Protest Against his Arrest, April 29, 1782," *Kaskaskia Records*, 274.

<sup>282</sup> "The Arrest of Richard Winston, April 29, 1782," *Kaskaskia Records*, 273.

<sup>283</sup> Ibid., 272

case under the rationale that the complainants had failed to pay their court fees in advance.<sup>284</sup>

The decision was particularly unusual; under Virginian state law the court at Kaskaskia did not have the authority to try high crimes, such as murder or treason.<sup>285</sup> Furthermore, the precedent for criminal cases in the Illinois Country showed that the court customarily seized the property of the accused to secure court fees.<sup>286</sup> The judgment demonstrated the political and legal quandary that informed the court's decision, the Kaskaskia magistrates were caught between the juridical limitations of the Virginian county court system and the popular support for Dodge's actions. In failing to either condemn or endorse Dodge and his followers, the court at Kaskaskia became embroiled in the political intrigue. Dodge continued to pursue his charges against Winston unchecked, and with the assistance of notary Labuxière Jr. proceeded to build a criminal case to present before the Virginia General Council and George Rogers Clark.<sup>287</sup>

It was Labuxière Jr.'s collaboration with Dodge, however, that elicited a much stronger response from the Kaskaskia magistrates. On May 2, 1782, Blaise Barutel, the court *huissier*, refused to assist Labuxière with the delivery of summonses to prosecutorial witnesses.<sup>288</sup> Michel Perrault, the Captain of the Illinois Battalion and a witness for Labuxière's case, documented the subsequent exchange between Labuxière and Barutel:

The bailiff has answered in our presence that he does not recognize Mr. Labuxière as state's attorney, no more than his power of attorney, and that Mr. Labuxière has said to him that he better think over what he said, to which the bailiff has answered that the Court had forbidden him to do anything; that, on his part, Mr. Labuxière has answered

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<sup>284</sup> "Examination of Witnesses by Labuxière, May 2, 1782," *Kaskaskia Records*, 277.

<sup>285</sup> Oliver Perry Chitwood, *Justice in Colonial Virginia* (Baltimore, John Hopkins University Press, 1905): 82-83.

<sup>286</sup> Ekberg, "Agriculture, *Mentalités*, and Violence on the Illinois Frontier," 112.

<sup>287</sup> Dodge re-arrested and held Winston for an additional sixteen days while Labuxière received official depositions from Dodge's witnesses, all of whom were active or former members of the military. "Examination of Witnesses by Labuxiere, May 2, 1782," *Kaskaskia Records*, 278; "John Dodge to Joseph Labuxiere, May 4, 1782," *Kaskaskia Records*, 282-283.

<sup>288</sup> A *huissier* loosely translates to the position of bailiff under English law. The *huissier*, however, had more extensive powers than a bailiff, which included the authority to seize property, issue writs, and make arrests. Dickinson, 36-48.

him that he had asked the permission of the Magistrates, and in return he has said to Mr. Labuxière that the Court had forbidden him to transmit any legal notices for the state's attorney.<sup>289</sup>

The recorded exchange was combative and demonstrated a decisiveness that was absent in the court of Kaskaskia's judgment. According to Barutel the court of Kaskaskia prohibited him from carrying out instructions from Labuxière specifically, and it appeared that no equivalent ban was imposed on interactions with Dodge. Furthermore, the court *huissier's* objections rested chiefly with Labuxière Jr.'s contentious appointment to Virginia State's Attorney and second notary, not his association with the Winston case. As Barutel took renewed aim at the State's Attorney's legitimacy, the target of his protest revealed that the internal conflict from the previous year persisted within the civil government.<sup>290</sup>

The in-house dispute soon spread throughout the broader French Kaskaskian community, as residents observed the chain of disruptive events unfold. On May 25, 1782, a petition addressed to the court of Kaskaskia demonstrated the expansion of political factionalism at Kaskaskia in response to the public arrest of County Lieutenant Richard Winston. The document gave voice to a diverse group of Kaskaskia's inhabitants that together condemned Dodge's recent intervention in legal processes and the Kaskaskia magistrates' ineffectual response. The signatories systematically catalogued the recent breaches of law and social order in eighteen articles, which provided specific examples of misconduct and prescribed steps to eliminate recurrence. Yet, the petition was also implicitly critical of the Kaskaskia magistrates' role in the aftermath of Winston's arrest. The petitioners advised the Kaskaskia magistrates of their judicial mandate from George Rogers Clark, which required the court to banish newcomers who refused to take an oath of allegiance "to lend assistance and help, whenever it may be required of

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<sup>289</sup> "May 2, 1782," Perrin Collection, p. 52 #196.

<sup>290</sup> The legal records from the dispute over the notary position are contained in the *Kaskaskia Records*, 254-268.

them”<sup>291</sup> and recommended that the village erect a civil jail as a mechanism of enforcement. The presence of Winston’s signature on the petition explained the document’s combined criticism of Dodge and the Kaskaskia magistrates, as well as its list of eighteen new rules and regulations. The petition was representative of a third political faction, the Kaskaskians who supported Winston. Thirty residents of Kaskaskia endorsed the document, including representatives of the court at Kaskaskia such as Barutel, the *huissier*, and Pierre Langlois, a sitting magistrate.<sup>292</sup> François and Charles Charleville along with their brother-in-law Louis Brazeaux also signed the petition; their brother Jean-Baptiste Charleville served as president of the court.<sup>293</sup> The diverse collection of signatures demonstrated the political factionalization of Kaskaskia village, which set representatives of the local court, Winston, and Dodge against one another for administrative control of the community.

Reverberations from the Winston petition carried through the remainder of 1782, as the Kaskaskia magistrates attempted to appease the large group of Winston supporters and restore public favour. At the request of Winston, the court at Kaskaskia agreed to review the charges that Dodge and Labuxière Jr. had brought against him in April.<sup>294</sup> A full second trial took place at the end of June and was likely held for the sake of appearance, since the Virginian judicial system continued to legally bar the county court from hearing treason cases.<sup>295</sup> In a letter dated June 30, 1782, Antoine Bauvais, a Kaskaskia magistrate and prominent community leader, urged Labuxière to provide a list of prosecutorial witnesses promptly, “since the Court wishes that this

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<sup>291</sup> “Inhabitants of Kaskaskia to the Magistrates, May 25, 1782,” *Kaskaskia Records*, 285.

<sup>292</sup> List of signatories in “Inhabitants of Kaskaskia to the Magistrates, May 25, 1782,” *Kaskaskia Records*, 289-290.

<sup>293</sup> The first record of the Charleville family in Kaskaskia was a marriage contract between Jean Chauvin and Agnes LaCroix signed on September 29, 1737. Alvord, *Kaskaskia Records*, 414. His brother, Joseph Brazeaux, was Captain of the Militia during Clark’s takeover. His sister, Françoise married Jean-Baptiste Charleville. Alvord, *Kaskaskia Records*, 19.

<sup>294</sup> *Ibid.*, 360.

<sup>295</sup> Chitwood, 82-83.

affair be decided, inasmuch as M. Winston wishes to depart.”<sup>296</sup> Shortly thereafter, the court of Kaskaskia formally dismissed Winston of all charges, and the County Lieutenant began to make preparations for his resignation in order to protest the entire affair at the Virginian Assembly in Richmond.<sup>297</sup>

Although the legal case between Winston and Dodge had concluded in the court, the Kaskaskia magistrates continued to grapple with the implementation of judicial authority over a diverse population. Despite efforts to enforce the new regulations from the Winston petition, the court at Kaskaskia was unable to reassert judicial authority over the newly arrived Anglo-American population in the wake of Winston’s arrest and Dodge’s civil disobedience. On July 9, 1782, settlers at the American village of Bellefontaine petitioned the court at Kaskaskia for a local magistrate, to maintain order and regulation within the English-speaking community. The court at Kaskaskia was careful to first require the Anglo-American undersigned to “take the oath of fidelity to the states and another oath to sustain this court” before approving the request and granting permission for an election at Bellefontaine for the following month.<sup>298</sup> The court’s endorsement was in accordance with civil precedent within the Virginian system, as other satellite villages that were French-speaking such as Prairie du Rocher and St. Philippe had each been granted their own magistrates in 1779.<sup>299</sup> Yet the authorization also appeared to be an attempt to appease Anglo-American settlers; unlike the court at Cahokia, which later denied a similar request from English-speaking residents at Grand Ruisseau, the vulnerable court at

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<sup>296</sup> “Antoine Bauvais to Joseph Labuxière, June 30, 1782,” *Kaskaskia Records*, 293.

<sup>297</sup> Alvord, *Kaskaskia Records*, 360.

<sup>298</sup> They identified their lack of proficiency in the French language as the sole reason for the request, as the language was used exclusively in court sessions. “Petition of the American Settlers of Bellefontaine to the Court of the District of Kaskaskia for Some Form of Civil Government, July 9, 1782,” *Kaskaskia Records*, 296.

<sup>299</sup> Ibid.; “Speech of John Todd, May 12, 1779,” *Kaskaskia Records*, 83-85.

Kaskaskia was not in a position to deny Anglo-American requests.<sup>300</sup> The court's inability to regain administrative authority over the Anglo-American population was further demonstrated in August, when the Kaskaskia magistrates received complaints about bands of Americans "committing the most atrocious acts of hostility" against residents of Spanish Upper Louisiana.<sup>301</sup> Francisco Cruzat, the Spanish Commandant at St. Louis, intervened and warned the court that the colonial government in Spanish Louisiana was determined to combat the disruptive behaviour. Cruzat followed through, and announced that inhabitants on the American side of the Mississippi River were no longer permitted to use the waterway to travel to New Orleans without a Spanish-approved passport.<sup>302</sup> The judiciary was paralyzed without a coercive mechanism of enforcement. French-speaking magistrates were unable to directly challenge the actions of the remaining Virginian officers who, led by Dodge, had already disregarded the court's authority during the arrest of Winston.

The Kaskaskian court ceased to assemble after a seemingly average session on November 23, 1782, wherein magistrates granted one arpent squared of land to Antoine Buyat for the construction of a new barn.<sup>303</sup> Winston abolished the Kaskaskian court sometime in late November of that year, leaving the community without a judicial system for five years.<sup>304</sup> Why he chose to take action in late November, however, remains unclear. Winston took on all judicial responsibilities at Kaskaskia, only to resign less than two months later from his position as

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<sup>300</sup> "Court Session: January 2, 1786," *Cahokia Records*, 217-219.

<sup>301</sup> "Francisco Cruzat to the Magistrates of the Court at Kaskaskia, August 4, 1782," *Kaskaskia Records*, 296-297.

<sup>302</sup> *Ibid.*

<sup>303</sup> Kaskaskia Record Book A, Volume VI, August 29 1804-April 30 1805. Kaskaskia. French and English Deed Records. Auditor of Public Accounts. 4. Illinois State Archives pg. 370a. Raymond H. Hammes Collection, Reel 2.

<sup>304</sup> Alvord, *The Illinois Country*, 360-361.



County Lieutenant, appointing Jacques Timothé Boucher, Sieur de Monbreun, in his stead.<sup>305</sup>

Clarence Walworth Alvord contended that Winston purposely dissolved the court, in order to reassert his authority in the community following his arrest.<sup>306</sup> The decision appeared to have the reverse effect, however, and saw the return of political factionalism after the court at Kaskaskia and Winston had been united in an uneasy truce throughout the fall of 1782.

On December 4, 1782, the Virginia State Commissioners arrived at the Falls of the Ohio River in Jefferson County to receive financial claims and grievances incurred from the Revolutionary War.<sup>307</sup> Apparently by chance, the commissioners wrote to the defunct Court of Kaskaskia approximately one week after its dissolution to invite inhabitants across the Illinois Country and Spanish Upper Louisiana to present their accounts.<sup>308</sup> At the end of March 1783, inhabitants from Kaskaskia, Cahokia, and Vincennes met at Fort Nelson and travelled together to petition the commissioners.<sup>309</sup> The convoy included four delegates from the American Illinois Country: Richard Winston, François Carbonneaux, François Trottier, and John Williams.<sup>310</sup> Of the four delegates, Winston, Carbonneaux, and Williams each carried separate petitions from Kaskaskia.

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<sup>305</sup> “Commission of County-Lieutenant by Richard Winston to Timothé de Monbreun, January 18, 1783,” *Kaskaskia Records*, 320; “Richard Winston Announces Appointment of De Monbreun, January 21, 1783,” *Kaskaskia Records*, 328-329.

<sup>306</sup> Alvord, *The Illinois Country*, 361.

<sup>307</sup> Present-day Louisville, Kentucky. Virginia Governor Benjamin Harrison and his council appointed William Fleming, Samuel McDowell, and Caleb Wallace. “Proclamation of Virginia Commissioners, December 4, 1782,” *Kaskaskia Records*, 317-318. The State Commissions were terminated by Congress in 1786, after little progress was made in settling accounts with individuals and the State. McCormick, 427.

<sup>308</sup> The commissioners were intended to act as an intermediary between the west and the government of Virginia in Richmond. “The Virginia Commissioners to the Court of Kaskaskia, December 4, 1782,” *Kaskaskia Records*, 319.

<sup>309</sup> An earlier meeting was scheduled for January 15, but failed to transpire when delegates from Kaskaskia and Vincennes were sent away. The delegates were Winston, Carbonneaux, Bosseron, and Legras. The commissioners suspected George Rogers Clark and officers under his command for the obstruction of the January meeting, as the conduct of Virginian soldiers was at the centre of French-speaking inhabitant grievances from the previous year. Alvord, *Cahokia Records*, cxx.

<sup>310</sup> François Bosseron, and J.M.P. Legras represented the village of Vincennes “Richard Winston and Others to George R. Clark, March 30, 1786,” *Kaskaskia Records*, 346.

The first petition commissioned Winston and Carbonneaux as agents on December 3, 1782, less than a week after the court of Kaskaskia was abolished.<sup>311</sup> The signatories petitioned for assistance from the Virginian government in the organization and protection of the district. The rhetoric was unlike the language used in previous petitions.<sup>312</sup> The villagers employed the term *seigneur* four times in their commission to refer to American administrators. The word choice was particularly unusual, since the seigneurial system was not effectively carried out in the Illinois Country. The irregular and deferential language pointed to Winston's influence in the petition's authorship.<sup>313</sup> According to Alvord, the County Lieutenant had to persuade villagers to appoint him as their agent, making the origins of the petition even more circumspect.<sup>314</sup> Furthermore, the petitioners failed to condemn Winston for the abolition of the Kaskaskia court. Instead, they placed blame on the former French-speaking magistrates for the present disorder, who they contended had a "the lack of capable men experienced in the French laws of this county" which the present disorder.<sup>315</sup> The names of the Kaskaskia magistrates elected in September were also demonstrably absent from the list of signatories. Of the seventeen villagers who were listed, six were American and five were French-speaking inhabitants who signed with their mark. The petition did not appear to represent the views of the greater French-speaking community.

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<sup>311</sup> "Commission as Agents to Richard Winston and François Carbonneaux, December 3, 1782," *Kaskaskia Records*, 315-317.

<sup>312</sup> Alvord, *The Illinois Country*, 361.

<sup>313</sup> According to Carl Ekberg "no direct evidence exists that seigneurial dues were ever collected on *any* piece of land held *en roture* in the Illinois Country." *French Roots in the Illinois Country*, 44. Morrissey, "Bottomlands and Borderlands," 349.

<sup>314</sup> Alvord, *The Illinois Country*, 361.

<sup>315</sup> "Commission as Agents to Richard Winston and François Carbonneaux, December 3, 1782," *Kaskaskia Records*, 316.

The other two petitions were directed to the State Commissioners on the subject of the abolition of the court at Kaskaskia.<sup>316</sup> The second petition was penned March 1, 1783 and claimed to represent the “inhabitants of Illinois.”<sup>317</sup> The document reads like a brief history of impoverishment and the conditions that the local inhabitants endured throughout the Revolutionary War.<sup>318</sup> The third petition focused almost exclusively on the recent activities of the County Lieutenant.<sup>319</sup> Among the signatories were the names of the “Principle Inhabitants of Illinois,” such as Jean Baptiste St. Gemme Bauvais, Nicholas Janis, and former magistrates Louis Brazeaux and Vital Bauvais.<sup>320</sup> They compared Winston to the character of Molière’s Tartuffe, and claimed that he instigated conflict between French-speaking inhabitants and Virginian soldiers on purpose.<sup>321</sup> Furthermore, they complained, the “same person continues to command us, he who [annulled,] broke, and revoked the good law, which you gave us for the safety of the country.”<sup>322</sup> The literary reference to the seventeenth century play speaks to the high level of education and status among the signatories and further demonstrates their low opinion of Winston. The term Tartuffe (as well as the character) held “a figurative and pejorative connotation of sham and hypocrisy.”<sup>323</sup> The “principle inhabitants” threatened to follow the lead of other prominent French-speaking inhabitants such as Charles Gratiot and Gabriel Cerré, and

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<sup>316</sup> “Memorial of the Inhabitants of Illinois to the Commissioners of the State of Virginia, March 1, 1783,” *Kaskaskia Records*, 335; “Memorial of the Principal Inhabitants of Illinois to the Commissioners of the State of Virginia, about March, 1783,” *Kaskaskia Records*, 340; “Richard Winston and Others to George R. Clark, March 30, 1786,” *Kaskaskia Records*, 346.

<sup>317</sup> A list of signatories was not included in the petition. “Memorial of the Inhabitants of Illinois to the Commissioners of the State of Virginia, March 1, 1783,” *Kaskaskia Records*, 329-340.

<sup>318</sup> The inhabitants focused their grievances on their payment in worthless continental currency and the abuses against their property, documenting the conduct of each Virginian commandant.

<sup>319</sup> “Memorial of the Principal Inhabitants of Illinois to the Commissioners of the State of Virginia, about March 1783,” *Kaskaskia Records*, 340-344.

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*, 342.

<sup>322</sup> *Ibid.*, 343.

<sup>323</sup> Edward D. Montgomery, “‘Tartuffe’: The History and Sense of a Name,” *MLN* 88 no 4 French Issue (May 1973): 839.

migrate to Spanish Louisiana.<sup>324</sup> Former magistrates and prominent French families resented Winston's action against the Kaskaskia court, which removed French-speaking inhabitants from a position of authority. Their account of the events at Kaskaskia notably contrasted with Winston's commission, which condemned the justices as inexperienced. The French faction appointed John Williams, a witness in Labuxière Jr.'s case against Winston and officer in the Virginia infantry, as their agent to the commissioners.<sup>325</sup> The contradictory reports of events in Kaskaskia further indicated the formation of factions within the French-speaking community.

The meetings with the Virginia State Commissioners marked the last western visit from state or federal officials until the arrival of Colonel Harmar in 1787.<sup>326</sup> The lone civil and legal authority in Kaskaskia, County Lieutenant Timothé de Monbreun, was "without any coercive means" to implement order throughout his tenure and struggled to maintain peace in the district.<sup>327</sup> The court system as it had operated at Kaskaskia was not reinstated. Instead, Monbreun assumed the roles of judge, diplomat, Indian agent, and mediator between the various Kaskaskian factions.<sup>328</sup> Without widespread support or a means of enforcing legal decisions, however, his administration of the village was particularly fragile and vulnerable to the manipulation. From approximately 1783 until 1786, the village of Kaskaskia was partially under the control of John Dodge and his supporters. Sometime before November of 1784, Dodge seized control of Fort Kaskaskia, an earthen redoubt located on the eastern bluffs of the

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<sup>324</sup> "Memorial of the Principal Inhabitants of Illinois to the Commissioners of the State of Virginia, about March 1783," *Kaskaskia Records*, 343.

<sup>325</sup> Williams was also identified by Monbreun as a representative of George Rogers Clark. "Timothé de Monbreun to George R. Clark, March 5, 1782," *Kaskaskia Records*, 324.

<sup>326</sup> Alvord, *Cahokia Records*, cxxi.

<sup>327</sup> "Memorial of Timothé de Monbreun, November 11, 1794," *Kaskaskia Records*, 356.

<sup>328</sup> Monbreun was responsible for "quieting animosities between the French natives and American settlers, treating the Indians with benevolence and preserving the dignity of the state whenever the Spanish officers from the other side of the Mississippi interfered or were guilty of encroachments." "Memorial of Timothé de Monbreun, November 11, 1794," *Kaskaskia Records*, 356.

Mississippi River that overlooked the French-speaking village.<sup>329</sup> Monbreun was unable to prevent the coup and claimed that he “was induced to temporize with all parties in order to preserve tranquility, peace and harmony” and played both sides.<sup>330</sup> Monbreun, however, continued to carry out his duties as County Lieutenant, if only as a formality.

Without strong ecclesiastical and governmental structures and authorities French-speaking inhabitants were no longer a united community, as the social order that survived the transition from French to British colonial regime underwent a significant transition during the American period.<sup>331</sup> French-speaking inhabitants of Kaskaskia adapted to Dodge’s authority in different ways. Without the influence of the church or local government, Frenchmen chose to align themselves based on their own interests.<sup>332</sup> A small group of French-speaking residents endorsed the actions of Dodge and his command of the village. Four former magistrates, Antoine Bauvais, Antoine Morin, Nicholas Caillot *dit* Lachanse, and Pierre Langlois supported Dodge in a petition to Congress on June 22, 1784.<sup>333</sup> The reason why these prominent members of the French-speaking community became a part of the Dodge faction is not entirely clear.<sup>334</sup> It seems likely that residents were motivated to associate with Dodge to benefit themselves and their families. An examination of Kaskaskia land transactions demonstrated that Lachanse, Morin, Langlois, and each of their sons were the recipients of generous land grants from Monbreun in

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<sup>329</sup> “Father de la Valinière writes of John Dodge, August 25, 1787,” *Kaskaskia Records*, 425. According to Alvord, the fort used by Dodge was incorrectly called Fort Gage at this time and the cannons were taken from the former Jesuit building known as Fort Clark. Alvord, *Illinois Country*, 362. “Inhabitants of Cahokia to Congress, November 10, 1784,” *Cahokia Records*, 569.

<sup>330</sup> “Memorial of Timothé de Monbreun, November 11, 1794,” *Kaskaskia Records*, 356.

<sup>331</sup> Jesús F. de la Teja, ed., *Choice, Persuasion, and Coercion: Social Control on Spain’s North American Frontiers* (Albuquerque: University of New Mexico Press, 2005): xiii.

<sup>332</sup> Chaput, 251.

<sup>333</sup> See the list of signatories, “Memorial to Congress by the Faction of John Dodge, June 22, 1784,” *Kaskaskia Records*, 368. “François Carbonneaux sells the Notariat, September 18, 1782,” *Kaskaskia Records*, 306-308.

<sup>334</sup> Few documents survived the period and without an official court system, the collection of records to draw from is small.

1783 and 1784.<sup>335</sup> While Monbreun remained the County Lieutenant in name, he became no more than a figurehead as Dodge controlled the village administration.

The French-speaking Kaskaskians who did not sign Dodge's petition, were largely absent from the records of 1783-84. Their omission does not signify that the community submitted under Dodge's control as Alvord contended.<sup>336</sup> In his November 7, 1785 letter to George Rogers Clark, John Edgar, a businessman and former Captain in the British navy, complained of conditions in the village without a justice system.<sup>337</sup> He observed to Clark that:

The french in this place and the people from Michalmicknia [Michilimackinac] which Openly Says the will Aposs [oppose] All the Americans that comes in to this Country for my post it is impossible to live here if we have not ragluer Justice very Soon the are worse then the Indians and ought to be ruled by a rod of Iron.<sup>338</sup>

Edgar's letter demonstrated that many French-speaking inhabitants were, in fact, opposed to American encroachment and acted against the new regime under Dodge. Without further evidence the nature of resistance Dodge is difficult to ascertain, yet the petitions and subsequent records demonstrate quite clearly that there was an unmistakable political division within the French-speaking community of Kaskaskia.

As the middle Mississippi Valley went from French to British, and finally to American jurisdiction in less than thirty years, Catholicism offered continuity and moral order for French-speaking residents. Historian Joseph P. Donnelly credited Gibault with filling the administrative

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<sup>335</sup> Lachanse received one sizeable grant from Monbreun on June 30, 1784. The grant consisted of 1,000 arpents of land as well as 320 arpents for each of his nine sons. Morin granted property for himself and for his sons on September 20, 1783 and June 26, 1784, respectively. Langlois received six land grants from Monbreun between 1783 and 1784 for himself, his son Pierre, and Augustin Langlois, of unknown relation. Kaskaskia Record Book A, Volume VI, August 29 1804-April 30 1805. Kaskaskia. French and English Deed Records. Auditor of Public Accounts. 4. Illinois State Archives pg. 54-56. Raymond H. Hammes Collection, Reel 2.

<sup>336</sup> Alvord, *The Illinois Country*, 362.

<sup>337</sup> In the nineteenth century, Edgar became known for the immense number of forged land claims that he submitted the Kaskaskia Land Office instead of his business acumen. Raymond H. Hammes, "Land Transactions in Illinois Prior to the Sale of Public Domain," *Journal of the Illinois State Historical Society (1908-1984)* 77 no. 2 (Summer: 1984): 108.

<sup>338</sup> "John Edgar to George Rogers Clark, November 7, 1785," *Kaskaskia Records*, 376.

void that formed in the British period.<sup>339</sup> He argued that the focus on Gibault's political manoeuvring in the American period overshadowed his accomplishments in the British Illinois Country where "religious conditions, and hence general moral and civil order, improved, thanks to the apostolate of Father Gibault."<sup>340</sup> In 1784, the Vatican organized the United States as a separate district of the Catholic Church and appointed John Carroll Prefect Apostolic.<sup>341</sup> He subsequently appointed two priests to the Parish of the Immaculate Conception at Kaskaskia in 1785 and 1786, Paul de St. Pierre and Pierre Huet de la Valinière, who shared a similar function to Gibault. Alvord attributed the presence of Father de la Valinière in 1786 as the turning point for French-speaking inhabitants and described him as "the kind of man needed to draw the French out of the stupid timidity into which they had fallen."<sup>342</sup> In this assessment, however, Alvord missed a critical exchange between the Dodge faction and Father St. Pierre the previous year.

The appearance of St. Pierre in Kaskaskia was a catalyst for social change in the French-speaking community. Carroll first appointed St. Pierre to fill the vacancy at the parish of the Immaculate Conception. His arrival in Kaskaskia was particularly meaningful not only as a representative of the Catholic faith, but also of the United States.<sup>343</sup> St. Pierre was a German monk from the Carmelite order in France, who until recently was a chaplain for the French Army in the Revolutionary War.<sup>344</sup> He first appeared at Kaskaskia sometime in the spring of 1785 and

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<sup>339</sup> Joseph P. Donnelly, "Pierre Gibault and the Critical Period of the Illinois Country," in *The French in the Mississippi Valley*, edited by John Francis McDermott (Urbana: University of Illinois Press, 1965): 81-91. Until the Quebec Act of 1774, the British Empire failed to even consider provisions for government in the Illinois Country. Horsman, "Great Britain and the Illinois Country," 101.

<sup>340</sup> McDermott, 88-89, 91.

<sup>341</sup> The decree was made on June 9, 1784 by the prefect of the Sacred Congregation *de Propaganda Fide*, Alvord, *Kaskaskia Records*, xxxiv.

<sup>342</sup> Alvord, *Cahokia Records*, cxxxi.

<sup>343</sup> *Ibid.*, cxxxii.

<sup>344</sup> *Ibid.*

quickly moved on to Cahokia. During his brief tenure at the village John Edgar and Louis Tournier alleged that “their reputation has been slandered by Mr S<sup>t</sup> Pierre Minister of the Village of Kaskaskias.”<sup>345</sup> The two men brought their charge to the attention of Nicholas Caillot *dit* Lachanse, who styled himself as a Kaskaskia magistrate, despite the court’s abolition three years earlier.<sup>346</sup> St. Pierre refused to appear before Lachanse and wrote to him instead, stating that “you are incompetent to judge Ecclesiastical persons, & at the same time I protest a thousand times against your Orders, employed very badly.”<sup>347</sup> Edgar and Tournier pursued the case against St. Pierre, but to no avail. Lachanse admitted that the charges against the Catholic priest were outside his power and referred the two men to address Congress at New England or Bishop Carroll for recourse.<sup>348</sup> The episode highlighted the resulting community divisions and vacuum of authority in Kaskaskia, despite St. Pierre’s quick departure.<sup>349</sup> In a matter of days, the Catholic priest publicly defied the authority of the Dodge faction and questioned the legitimacy of the village administration.

The next year, Father Valinière arrived in Kaskaskia as the newly appointed Vicar General to the Illinois. Within months of his arrival he was at odds with Father St. Pierre at Cahokia and embroiled in the political quagmire at Kaskaskia.<sup>350</sup> According to Alvord, the priest briefly led the opposition against Dodge and encouraged his parishioners to do the same.<sup>351</sup> The restoration of Catholic priestly authority to the village appeared to reconcile members of the French-speaking community. On June 2, 1786, the French faction authored a petition to

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<sup>345</sup> “John Edgar and Louis Tournier versus Father St. Pierre, 27 July, 1785,” *Kaskaskia Records*, 524.

<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*, 526.

<sup>348</sup> *Ibid.*, 530. John Carroll was not appointed as Bishop of Baltimore until 1789.

<sup>349</sup> St. Pierre moved to Cahokia shortly thereafter, where he was well liked and remained until 1789. Alvord, *The Illinois Country*, 365.

<sup>350</sup> *Ibid.*, 367.

<sup>351</sup> *Ibid.*



Congress that requested the immediate establishment of a government to protect and defend the inhabitants and their property.<sup>352</sup> The document was certified by Kaskaskia notary Pierre Langlois, previously a Dodge supporter, and noted that “the present extract agrees with that which was registered and sent to M. Joseph Parker, which we hope he will send to you.”<sup>353</sup> Langlois’s notarization and language appeared to serve as an endorsement of the petition, and suggested a repositioning of his political allegiance. The return of Catholic authority reminded inhabitants of their role in society and unified the community.<sup>354</sup> Less than two months later a congressional committee responded to the petition and “ordered that the Secy. of Congress inform the inhabitants of the said district that Congress have under their consideration the plan of a temporary govt. for said district.”<sup>355</sup> The following year, Dodge recognized that his tenure at Kaskaskia was no longer feasible and departed the American Illinois Country for Spanish Upper Louisiana in the spring of 1787.<sup>356</sup> After a three year period of political factionalism and administrative uncertainty, the restoration of Catholic authority had brought about a return of order at Kaskaskia.

From 1782-1785, the village of Kaskaskia existed in a vacuum of authority as the principal institutions that anchored the French-speaking community, the Church and State, negotiated the geo-political consequences of the newly formed United States of America. The ecclesiastical and administrative ambiguity at Kaskaskia facilitated the breakdown of the civil government and French society, and created an opening for roguish activity. The arrest of County Lieutenant Richard Winston was the culminating point in an ongoing internal conflict among the civil, executive, and military branches of the Virginia state government that

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<sup>352</sup> “Memorial of the French Faction to Congress, June 2, 1786,” *Kaskaskia Records*, 381.

<sup>353</sup> Ibid.

<sup>354</sup> Teja and Frank, xiii.

<sup>355</sup> “Resolution of Congress, August 23, 1786,” *Kaskaskia Records*, 391.

<sup>356</sup> Alvord, *The Illinois Country*, 368.

demonstrated the emergence of identifiable factions, which openly challenged civil authority. The Kaskaskia magistrates attempted to regain political control in the months following Winston's arrest, despite attempts to appease all sides, French, Anglo-Americans, and the County Lieutenant. The abolition of the court in November of 1782 erased the final trace of Clark's provisional judicial system at Kaskaskia and antagonized prominent leaders of the community, ending the uneasy truce between the executive and judicial branches of the village administration. Throughout the three year period, French-speaking inhabitants regularly petitioned all levels of civil government and chose the political factions according to personal and business interests. The re-appearance of priestly Catholic authority with the arrival of Father St. Pierre in 1785 marked the beginning of a return to social order at Kaskaskia and reparation of political rifts. This chapter shows the French adaptation to the newly formed "Empire of Liberty" in the American Illinois Country, as Anglo-American settlers began to arrive in the western territory.<sup>357</sup> According to Eric Hinderaker, this phenomenon was the American Revolutionary War, which introduced a new ideology that encouraged the rapid expansion of the western frontier and exertion of individual liberty.<sup>358</sup> The result was the convergence of two conflicting ideologies, that of two wests, on French and one American, and made for a difficult transition between the two mindsets.<sup>359</sup> The court at Kaskaskia was no longer able to rely on persuasive mechanisms of social control to regulate the French-speaking community, as American settlers subscribed to a different set of social norms and values. The restoration of the Catholic authority in 1785 offered relief and the opportunity to re-establish French social order in the new American west.

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<sup>357</sup> Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673-1800*, (Cambridge, UK: Cambridge University Press, 1997): 185.

<sup>358</sup> *Ibid.*, xiii, & 186.

<sup>359</sup> Gitlin, *The Bourgeois Frontier*, 43.

### Chapter Three: Protection and Projection of French Customs at Cahokia, 1782-1787

On November 10, 1784 the inhabitants of Cahokia and the neighbouring villages authored a letter to Congress in acknowledgement of the transfer of the Mississippi Valley to federal jurisdiction.<sup>360</sup> The document consisted of six petitions, which outlined Cahokian residents' expectations as Americans and citizens of the newly formed republic. They listed several concerns about land speculation, the judicial system, policing of the territory, and requested a special grace from taxation after a series of recent floods and Indigenous attacks had impoverished the region.<sup>361</sup> The residents reminded Congress of their participation against the "common enemy" and their willingness to supply Virginian troops with provisions to their own detriment during the Revolution were examples of "true zeal in defence of liberty."<sup>362</sup> The residents of the Cahokia district expressly called for Congress to "grant us the enjoyment of our former laws, privileges and customs, and that as American subjects we shall enjoy the same advantages as other inhabitants enjoy."<sup>363</sup> At the same time, the petitioners also requested that "all persons who shall come to settle among us be obliged to conform themselves to the laws which are already established."<sup>364</sup> While the Cahokia residents' professed enthusiasm for American citizenship, the petitioners' willingness to adhere to an American system of government rested on the maintenance of previous laws and customs.

The petition for formal and informal legal continuity did not necessarily demonstrate an ignorance of American republicanism. The use of the term "subject" to describe the inhabitant

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<sup>360</sup> "Inhabitants of Cahokia to Congress, November 10, 1784," *Cahokia Records*, 567-573. On January 5, 1782, the "county of Illinois" ceased to officially exist under Virginia State legislation, and was officially ceded to the Continental Congress in 1784.

<sup>361</sup> Ibid., 569-571.

<sup>362</sup> Ibid., 567-569.

<sup>363</sup> Ibid., 567.

<sup>364</sup> Ibid., 569.

relationship to the United States government was particularly symbolic and employed strategically to further the request to retain French law. French-speaking residents were decidedly aware of the political meaning of the term “subject” versus “citizen;” the first word referred to their former position within a French system of absolutist monarchical government and the second connoted the supposed egalitarian nature of American republicanism. Major Joseph Bowman, a Virginian officer under the command of George Rogers Clark, advised French-speaking residents of Cahokia on the principles of American government immediately following the Virginian annexation of the village on July 6, 1778.<sup>365</sup> Cahokian inhabitants were informed of and subsequently exercised their democratic right to liberty shortly after the takeover, as Major Bowman promptly established a Virginian court and inhabitants elected the new judiciary under the American system.<sup>366</sup> Less than two years after the takeover, six prominent Cahokia residents styled themselves and the community inhabitants “citizens” of the United States in a petition to Clark for urgent military assistance.<sup>367</sup> The conditional use of the term appeared to be purposeful and performative, and strategically employed contingent on the desired outcome. Thus the residents of Cahokia were well aware of the distinctions between subjecthood and citizenship.

The appeals of French-speaking inhabitants to Congress appeared to indicate that Cahokia district residents anticipated minimal administrative change in the transition from British to American government. The proposal to preserve French laws and customs was comparable to the strategic negotiation of *Canadien* subjecthood during the transition to British colonial government in Quebec. *Canadiens* similarly petitioned their new administrators and

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<sup>365</sup> “Clark’s Memoir, 1773-1779,” *George Rogers Clark Papers*, 233.

<sup>366</sup> *Ibid.*, 235; Alvord, *Cahokia Records*, lxiii.

<sup>367</sup> “Petition to Clark for the Defense of Cahokia, April 11, 1780,” *George Rogers Clark Papers*, 410-412.

requested that members of the French community remain in control of the legal system in Quebec.<sup>368</sup> According to Hannah Weiss Muller, “the *Canadiens* forcefully used language of subjecthood and citizenship to articulate a connection between ‘ancient usages and customs’ and the status of freeborn subjects.”<sup>369</sup> In the middle Mississippi Valley, the insistence that newcomers conform to the pre-existing laws and customs of the region took the French conception of American citizenship one step further. While the Quebec Act confirmed that the preservation of French institutions was a privilege of British subjecthood, Cahokians wielded the language of American citizenship to vie for French legal and customary exclusivity in the middle Mississippi Valley. The Cahokian appeals were unique and strategic responses to the traumatic events at Kaskaskia, and, to a lesser degree, those at Vincennes.

In the absence of American administration following the Revolutionary War and the exit of Virginian troops in the fall of 1782, residents of Cahokia strengthened their adherence to the set of shared principles instituted by the Catholic Church and the *Coutume de Paris*. The Cahokia petition to Congress in 1784, then, demonstrated a distinct resolve from French-speaking inhabitants to fill the vacuum of authority on the American side of the middle Mississippi Valley. The Cahokians’ embrace of legal and customary continuity was strategically executed to protect the predominantly French-speaking community, and to ensure security and solidarity in the face of American hostility.<sup>370</sup> This chapter examines how the court system, the church, and the French-speaking community collectively operated to fill the vacuum of authority in the Cahokia district. This chapter therefore argues that the community employed and projected

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<sup>368</sup> Muller, 44-45.

<sup>369</sup> Ibid., 45.

<sup>370</sup> Gene Allen Smith and Sylvia L. Hilton, *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s* (Gainesville: University Press of Florida, 2010): 6.

French customs to maintain order, manage property, and administer the growing American population at the village of Grand Ruisseau.

Eric Hinderaker used the term “vacuum of authority” to describe conditions in the Ohio Valley following the Fort Stanwix Treaty of 1768, as the British Empire’s power in the region collapsed.<sup>371</sup> Squatters seized upon the lucrative opportunity that the vacuum of authority exposed and poured into the upper Ohio country. The result was rampant land speculation that infuriated the resident Ohio Indigenous peoples and left them without diplomatic recourse.<sup>372</sup> Armed conflict devastated the Ohio Valley throughout the ensuing decade, a period that Jay Gitlin describes “amounted to state-sanctioned ethnic cleansing [of Indigenous peoples] on either side of the Ohio [River].”<sup>373</sup> Although the violence did not spread to the Mississippi Valley, French-speaking inhabitants were not ignorant of the upheaval in the Ohio Valley. Following news that Clark had successfully occupied the French-speaking communities, Virginia Governor Patrick Henry cautioned him to “guard most carefully against every infringement of their property, particularly with respect to land, as our enemies have alarmed them to” the nature of the American settlement in the Ohio Valley throughout the 1770s.<sup>374</sup> From 1782-1790, the Illinois Country also underwent a “vacuum of authority,” as the Continental Congress negotiated the terms of government in the west, with disparate results. The French-speaking village of Vincennes, located northeast along the Wabash River, descended into civil unrest as

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<sup>371</sup> Hinderaker, 170.

<sup>372</sup> Ibid., 172.

<sup>373</sup> Gitlin, 36.

<sup>374</sup> “Instructions to George Rogers Clark from the Governor Patrick Henry, December 15, 1778,” *Kaskaskia Records*, 61. Part Three of Eric Hinderaker’s book examines the development of an empire of liberty, the third construction of colonialism in the Ohio Valley, which grew out of the American Revolutionary War and was propagated by the revolutionary ideals of individual freedoms. *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673-1800* (Cambridge: Cambridge University Press, 1997): 185-267.

Pennsylvanian and Virginian squatters converged upon the community.<sup>375</sup> The arrival of Anglo-American newcomers compounded with the reappearance of George Rogers Clark and a small force of Kentucky militiamen on an unauthorized offensive against neighbouring Indigenous groups in the fall of 1786, had a destabilizing effect on the French-speaking village.<sup>376</sup>

Along the Mississippi River conditions varied significantly. Cahokia escaped the political disruption that plagued Kaskaskia and maintained community stability through its legal system and the maintenance of the court. Cahokia became the site of the sole judiciary for the Mississippi Valley, and the so called “reign of terror which prevailed at Kaskaskia was curbed at Cahokia by the firmness of its court.”<sup>377</sup> From 1782-1788, Cahokia held judicial elections annually between the months of May and August. In contrast, the year 1782 saw three elections for the court of Kaskaskia and the abolition of the court altogether in November of that year.<sup>378</sup> The short-lived restoration of the Kaskaskia court system in May 1787 saw immediate dissent among the newly elected magistrates, as the French-speaking incumbents protested the election of three Americans to the judiciary.<sup>379</sup> Cahokia welcomed the legal expertise of former Kaskaskia inhabitants such as Joseph Labuxière Jr., who relocated in December of 1782 and

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<sup>375</sup> The village is present-day Vincennes, Indiana. Tangi Villerbu documents the experience of the French-speaking community throughout the American transition in the second part of his article “Pouvoir, religion et société en des temps indécis: Vincennes, 1763-1795,” *Revue d’histoire de l’Amérique française* 62 no. 2 (2008): 201-213.

<sup>376</sup> Ibid., 203-206; Alvord, *The Illinois Country*, 367.

<sup>377</sup> Charles E. Peterson, “Notes on Old Cahokia: Part Three: American Domination (1778-1790),” *Journal of the Illinois State Historical Society (1908-1984)* 42 no 3 (September: 1949): 316.

<sup>378</sup> “Election, June 20, 1782,” *Cahokia Records*, 131; “Election, May 26, 1783,” Ibid., 147; “Election, May 20, 1784,” Ibid., 167; “Election, June 6, 1786,” Ibid., 241; “Election, June 1, 1787,” Ibid., 297; “Election, August 18, 1788,” Ibid., 339. “Election, February 10, 1782,” *Kaskaskia Records*, 271; “Election, September 15, 1782,” Ibid., 301. Alvord, *The Illinois Country*, 361. Approximately thirty-four different inhabitants were elected as Cahokia magistrates during the period, demonstrating the court’s diversity. Margaret Kimball Brown examines the village of Prairie du Rocher closely through the eighteenth century in her book, *History as They Lived It*. Cahokia, like Prairie du Rocher, was enough removed from Kaskaskia “that entrepreneurs and opportunists found residence there inconvenient for their trading and politicking” and managed to avoid the subsequent unrest. Brown, *History as They Lived It*, 196.

<sup>379</sup> “Commission, Given by Barbau, to the Justices of the Peace, May 18, 1787,” *Kaskaskia Records*, 402; “Protest of Antoine Bauvais, St. Gemme Bauvais, and François Corset, July 7, 1787,” Ibid., 405-407; Alvord, *The Illinois Country*, 371-372; Englebert, “Beyond Borders,” 53.

resumed his position as State's Attorney under the Cahokia court system the following year.<sup>380</sup>

The growth of neighbouring St. Louis and Kaskaskia had commercial benefits for Cahokia and allowed this smaller village to operate profitably without the political turmoil experienced at Kaskaskia.<sup>381</sup>

Despite restrictions on American settlement in the Mississippi Valley, former officers in the Virginian and Continental armies as well as their families chose to settle in the Cahokia and Kaskaskia districts at the close of the Revolutionary War.<sup>382</sup> A census conducted in 1787 named sixty-two men and thirty-five children as American residents of the Illinois.<sup>383</sup> The new migrants founded the communities of Bellefontaine and Grand Ruisseau in the area between Cahokia and Kaskaskia.<sup>384</sup> The two settlements fell under the jurisdiction of the French-speaking villages: Bellefontaine was located in the district of Kaskaskia and Grand Ruisseau in the district of Cahokia.<sup>385</sup> In 1782 and 1786, respectively, American residents of Bellefontaine and Grand

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<sup>380</sup> "Labuxiere to Congress, July 17, 1786," *Cahokia Records*, 589-590; "Extract of the Registers of the Magistracy of Cahokia, November 10, 1783," *Cahokia Records*, 491. The court deferred to his legal expertise under the *Coutume de Paris* in a property case on June 5<sup>th</sup>, 1783." Court Session: Thursday June 5, 1782," *Cahokia Records*, 149.

<sup>381</sup> Englebert, "Beyond Borders," 51; Brown, *History as They Lived It*, 192; Ekberg, *French Roots in the Illinois Country*, 55.

<sup>382</sup> A congressional proclamation delivered on September 22, 1783, five years after the Virginian takeover, marked the first safeguard for residents of the Illinois Country. The declaration legally restricted new settlement in the Mississippi Valley and provisionally protected French-speaking inhabitants from rampant land speculation. Robert S. Hill, "Federalism, Republicanism, and the Northwest Ordinance," *Publius* 18 no 4, Land and Liberty in American Society: The Land Ordinance of 1785 and the Northwest Ordinance of 1787 (Autumn: 1988): 49-51; Thomas Donaldson, ed., *The Public Domain. Its History, with Statistics*, Public Land Commission (Washington: Government Printing Office, 1880), 240.

<sup>383</sup> The population was presumably higher than ninety-seven since American women were not accounted for in the census data. "List of Americans in Illinois, September 7, 1787," *Kaskaskia Records*, 421-423.

<sup>384</sup> Alvord, *The Illinois Country*, 359. The American village of Bellefontaine is a part of present-day city of Waterloo, Illinois. The exact location of Grand Ruisseau and Piggott's Fort was a mile and a half west of the present-day city of Columbia, Illinois. "A Letter Written by William Biggs, Esq." *Journal of the Illinois State Historical Society (1908-1984)* 6 no. 1 (April: 1913): 133.

<sup>385</sup> Bellefontaine was founded in the fall of 1779 by the families of Virginian soldiers and was situated seven and a half miles from Kaskaskia. "John Montgomery to George Rogers Clark, September 29, 1779," *Kaskaskia Records*, 125. The community of Grand Ruisseau was located "up the Creek about thirty Miles" from Cahokia and settled with land granted by the village court. The Cahokia magistrates granted the Americans longlots "the width of ten arpents of land and with an area of four hundred and forty arpents." "Inhabitants of Cahokia to Congress, July 15, 1786," *Cahokia Records*, 587; "Memorial by Barthelemi Tardiveau, February 28, 1788," *Kaskaskia Records*, 464.



Ruisseau petitioned the authorized French-speaking courts for local magistracies.<sup>386</sup> While Kaskaskia magistrates permitted the villagers of Bellefontaine to hold an election for a local magistrate in 1782, the court of Cahokia declined to provide the inhabitants of Grand Ruisseau with a democratic process four years later.<sup>387</sup> Instead, the American village remained a part of the Cahokia dependency and was allowed:

the right to name arbitrators in case of disputes in affairs occurring among them, without detracting from the authority of the said Court; and it grants them furthermore the right to name among them a commandant to maintain there good order and police, who shall be subordinated to the Commandant of Cahokia.<sup>388</sup>

The two strategies contrasted significantly; Kaskaskian magistrates organized a local branch of civil government in Bellefontaine, while the court at Cahokia permitted local arbitrators and a local commandant at Grand Ruisseau.

The court at Cahokia delivered its judgment regarding Grand Ruisseau on January 2, 1786, almost exactly four years after the abolishment of the court at Kaskaskia court system at the height of political tumult. As the sole remaining court from Clark's tenure in the middle Mississippi Valley the Cahokia magistrates were not only cognizant of the Bellefontaine precedent, but took on the legal administration of that village in the absence of a court at Kaskaskia. At the court session on November 2, 1787, the Cahokian magistrates "confirmed and ratified the nomination and election of a court at Bellefontaine and an officer of militia" and recorded that the new justices of the peace from both English-speaking villages took the required

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<sup>386</sup> Bellefontaine inhabitants petitioned Kaskaskia in 1782, and Grand Ruisseau petitioned Cahokia in 1786. "Petition of the American Settlers of Bellefontaine to the Court of the District of Kaskaskia for Some Form of Civil Government, July 9, 1782," *Kaskaskia Records*, 294-296.

<sup>387</sup> Nicholas Smith was selected with a ten vote win, versus the five allotted to James Garretson, which gives some indication as to the size of Bellefontaine. "Election at Bellefontaine, August 5, 1782," *Kaskaskia Records*, 296.

<sup>388</sup> "Court Session: January 2, 1786," *Cahokia Records*, 217-219.

oath of office.<sup>389</sup> The court at Cahokia ratified the legal process for Bellefontaine in the Kaskaskia district, a privilege that it would not approve for its own district. The decision comparatively limited the judicial independence of Anglo-American residents of Grand Ruisseau, who continued to rely upon the French court system at Cahokia for legal disputes that could not be resolved through arbitration. Residents of Grand Ruisseau were frequently driven to petition the court of Cahokia for redress, where their legal cases were administered in French and were subject to the French civil law code, the *Coutume de Paris*, which regulated issues surrounding family, inheritance, property, and debt recovery.<sup>390</sup> The court of Cahokia retained administrative control over affairs at Grand Ruisseau and constructed a system of local government wherein a minority of American settlers were compelled to conform to French legal and cultural norms for judicial recourse. The court's refusal to partition judicial authority was strategic and exemplified an effort to protect the authority of the established French-speaking court system and the status quo. The decision to limit American autonomy in the Mississippi Valley was calculated, and likely in response to the rapid decline of French-speaking authority at Kaskaskia.<sup>391</sup>

In this context, however, it is important not to confuse the court's decision against the Grand Ruisseau petition with an unwillingness of French-speaking inhabitants to adapt to American takeover. A closer examination of the Cahokia court system reveals that elected

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<sup>389</sup> "Court Session: November 2, 1787," *Cahokia Records*, 307.

<sup>390</sup> The *Coutume* became the law within the colony of New France in 1664. Dickinson, 38-39. *An Abstract of Those Parts of the Custom of the Viscounty and Provostship of Paris, which Were Received and Practised in the Province of Quebec, in the Time of the French Government* (London: C. Eyre and W. Strahan, 1772) <http://find.galegroup.com.cyber.usask.ca/ecco/infomark.do?&source=gale&prodId=ECCO&userGroupName=usaskmain&tabID=T001&docId=CW3306029068&type=multipage&contentSet=ECCOArticles&version=1.0&docLevel=FASCIMILE> accessed November 11, 2015.

<sup>391</sup> The November 1784 petition featured at the beginning of this chapter makes direct references to the alienation caused by John Dodge at Kaskaskia. Whether this was a later addition by inhabitants of Kaskaskia, as Alvord contends, or a written request from the Cahokia residents, it demonstrates a continued relationship between the two villages throughout the period. "Inhabitants of Cahokia to Congress, November 10, 1784," *Cahokia Records*, 569.

French-speaking magistrates adhered to a legal framework based on French, British, and American law. While Margaret Kimball Brown's assertion that "despite all changes to government, no laws had replaced the *Coutume de Paris*" remains accurate, her observation overlooks the fact that the French-speaking court also supplemented the code with aspects of British and American legal procedure.<sup>392</sup> For example, the first case at Cahokia to reach a verdict by jury, according to Alvord, was a civil case between two French-speaking inhabitants: Auguste Angers, the plaintiff, and Alexis Brisson, the defendant, on September 21 1780.<sup>393</sup> The right to a trial by a jury of peers was a privilege of British law, which was adopted into Virginia state law as early as 1625.<sup>394</sup>

The French-speaking magistrates were uncompromising in their effort to preserve the court's authority over the district of Cahokia and project French social norms upon the satellite village. The Church served as another institution within the community, which together with the Court of Cahokia, upheld French values and administered social control.<sup>395</sup> In 1785, Father Paul St. Pierre took up the Mission of the Holy Family at Cahokia after a brief and hostile tenure at Kaskaskia, and restored the authority of the Catholic Church to the community.<sup>396</sup> The two institutions— Court and Church—operated jointly to maintain order in the district. The close relationship between the religious and legal institutions at Cahokia was comparable to that of the French Crown and the Church in New France, wherein the "intendant frequently intervened to oblige the Canadians to show more respect for the cloth, to meet their financial obligations to the

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<sup>392</sup> Brown, *History as They Lived It*, 191; Stuart Banner, "Written Law and Unwritten Norms in Colonial St. Louis," *Law and History Review* 14 no 1 (Spring: 1996): 45.

<sup>393</sup> "Court Session: September 21, 1780," *Cahokia Records*, 71-73.

<sup>394</sup> Chitwood, 66.

<sup>395</sup> Teja, xiii.

<sup>396</sup> Alvord notes that Father St. Pierre was particularly well-liked in Cahokia, as the community banded together to build a new priest's house and church, at a significant cost. *The Illinois Country*, 364-365.

church, and to behave in a more seemly manner.”<sup>397</sup> A similar arrangement was formed at Cahokia; throughout Father St. Pierre’s four year assignment the court pursued his expressed concerns on local issues and enforced Catholic practice.<sup>398</sup>

The district of Cahokia, including Grand Ruisseau, was also part of the Catholic parish and was expected to provide for Father St. Pierre, and maintain the mission of the Holy Family.<sup>399</sup> At the March 1789 court session Cahokia justices addressed Nicholas Smith, the Justice of the Peace of Grand Ruisseau, with the following instruction:

You are ordered to take the deposition of all the inhabitants of your district who have sown and harvested wheat and corn, and they are to make a statement on oath as justly as it is possible in regard to the quantity that they have gathered, in order to pay the twenty-sixth part to whomever authority shall be given by our Court to receive said tithe.<sup>400</sup>

The requested tithe was one twenty-sixth or 3.8 percent of the crops produced, which was the same allotment that the Catholic Church received from inhabitants of New France, beginning in 1679.<sup>401</sup> The mandate was an example of the court’s efforts to integrate American settlers into the French system of values and norms, and to assert the dominance of Catholicism within the district. Regardless of whether or not the residents of Grand Ruisseau actually adhered to the Catholic tax, the rhetoric marked an attempt to project French culture and authority upon minority English-speaking settlers. The demand itself demonstrated that American residents

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<sup>397</sup> W.J. Eccles, *The French in North America 1500-1783* (Markham, ON: Fitzhenry and Whiteside, 1998): 151.

<sup>398</sup> The court published a list of ordinances outlined in a petition from St. Pierre in 1786, which requested a prohibition on the sale of alcohol to Indigenous peoples. In 1789, the court responded to St. Pierre’s request to compel individuals to give the blessed bread with new fines for non-compliant inhabitants. “Court Session: December 1, 1786,” *Cahokia Records*, 257; “Court Session: January 2, 1789,” *Ibid.*, 351-353. Finally, in 1789 as well Jean Baptiste Lacroix moved to make a decision on the price of commodities for tithe and the seizure of property in the case of debtors. “Court Session: April 6, 1789,” *Ibid.*, 369.

<sup>399</sup> Eccles, 79.

<sup>400</sup> “Court Session: March 2, 1789,” *Cahokia Records*, 365.

<sup>401</sup> Morris Altman, “Seigniorial Tenure in New France, 1688-1739: An Essay on Income Distribution and Retarded Economic Development,” *Historical Reflections/Réflexions Historiques* 10 no 3 (Fall: 1983): 343; Terry Crowley, “Religion in New France: Church and State in Louisburg,” *Proceedings of the Meeting of the French Colonial Historical Society* 10 (1985): 145; W.J. Eccles, 79. Inhabitants of Vincennes were also charged a twenty-sixth of their total grain production for tithe and determined that was the “normal” amount. Villerbu, 212-213.

were considered Catholic parishioners by virtue of residing in the district of Cahokia in the Illinois Country.

The request for tithe also indicated the resurgence of ecclesiastical authority within the French-speaking community. According to Robert Michael Morrissey tithe payments “often went unpaid in the Illinois,” and the years 1737, 1738, and 1740 at Prairie du Rocher were examples of residents’ delinquency and as a result, their independence from feudal authority.<sup>402</sup> Tithe payment continued to be an issue under the British administration. Father Sébastien Louis Meurin, who was assigned parishes on both sides of the Mississippi River, looked to the Bishop of Quebec Jean-Olivier Briand for support in carrying out church discipline. In 1768, he complained to Briand that “during the four years while I have ministered to these english parishes, I have received no tithes therefrom: I have received naught but what was given me out of charity by some, and the fees for the masses.”<sup>403</sup> In 1786, the court of Cahokia demanded tithe payment from English-speakers and negotiated new fines for those who defaulted on their tithe obligations. The magistrates determined that “flour shall be taken at twenty *livres* the hundred” and that offending inhabitants were to be “constrained by seizure and sale of their property.”<sup>404</sup> The court of Cahokia advocated for the care of Father St. Pierre and administered the principles of Catholic behaviour on his behalf. The cooperation of the two institutions closely regulated the district according to French social norms and legally enforced French doctrine within the established community and new settlements.

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<sup>402</sup> Morrissey, “Bottomlands and Borderlands, 349.

<sup>403</sup> “Letter of Father Sébastien Louis Meurin to Monseigneur Briand, Bishop of Quebec, June 11, 1768,” *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France 1610-1791* edited by Reuben Gold Thwaites, vol. LXXI (Cleveland: The Burrows Company, 1901) [http://puffin.creighton.edu/jesuit/relations/relations\\_71.html#\\_edn7](http://puffin.creighton.edu/jesuit/relations/relations_71.html#_edn7): 39.

<sup>404</sup> “Court Session: April 6, 1789,” *Cahokia Records*, 369.

The effort to institute the tithe among non-Catholic settlers was particularly significant as the measures contravened a key aspect of American Republicanism, the separation of church and state. Although the wording “separation of Church and State” does not actually appear in the Constitution of the United States, its message was conveyed in the First Amendment, adopted December 15, 1791.<sup>405</sup> The First Amendment expressly provided for the religious freedoms of American citizens, stating that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”<sup>406</sup> To assert control over the Cahokia district, however, the French-speaking court attempted to impose their religious beliefs upon the American minority on behalf of the Catholic Church. In addition, the Catholic Church’s absolutist organizational structure and loyalty to the Pope was understood to be antithetical to American ideals.<sup>407</sup>

The push to assert Illinois French authority over Grand Ruisseau was a strategic attempt to protect the community from the disorder and violence that often accompanied American settlement in the west. American residents of the Illinois Country, however, did not readily accept the court of Cahokia’s jurisdictional control over affairs at Grand Ruisseau. In the summer of 1787 Robert Watts, the Commandant of Grand Ruisseau, reported a conspiracy to

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<sup>405</sup> The term originated from a letter written to the Danbury Baptist Association of Connecticut by Thomas Jefferson on January 1, 1802, wherein he described “thus building a wall of separation between Church & State.” “Jefferson’s Letter to the Danbury Baptists.” The Final Letter, as sent. *The Library of Congress Information Bulletin*. 57 no. 6 (June 1998) <http://www.loc.gov/loc/lcib/9806/danpre.html>. Accessed November 7, 2015.

<sup>406</sup> US Constitution, Amendment I. Legal Information Institute, Cornell University Law School. [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment) Accessed November 7, 2015. This also contrasted sharply with article six, clause three of the US constitution, which declares that “no religious test shall ever be required as a qualification to any office or public trust under the United States.” The test ban embodied the separation of church and state in the Early Republic and “promote[d] institutional independence of civil government from ecclesiastical domination and interference at the federal level.” See: Daniel L. Dreisbach, “The Constitution’s Forgotten Religion Clause: Reflections on Article VI Religious Test Ban,” *Journal of Church and State* 38 no 2 (Spring 1996): 262.

<sup>407</sup> Brown, *History As They Lived It*, 187.

usurp the authority of the Cahokia court.<sup>408</sup> Two Virginian men, James Piggott and Benjamin Rogers, organized the local uprising in opposition to the remaining French-speaking court at Cahokia. In July, Watts warned the court of Cahokia that “c’est celle messieurs des états de virginie que vous devez deffendre c’est elle qui est offensé dans le corp respectable qui vous assemble ici.”<sup>409</sup> Residents of Grand Ruisseau and Bellefontaine had devised a plan to extricate the former village from Cahokian jurisdiction, destroy the power of the French-speaking court, and establish an American judicial system in its stead.<sup>410</sup> The lead conspirators, Piggott and Rogers, were sentenced to be placed in irons for twenty-four hours for their lack of respect, and Piggott was expressly forbidden from organizing public gatherings at Bellefontaine without the authorization of the court of Cahokia.<sup>411</sup> Although the bid to supplant the French-speaking court was unsuccessful and quickly suppressed, the attempt demonstrated the delicate stability of the Cahokia district throughout the 1780s.

On July 15, 1786 the five elected Cahokia magistrates and Jean-Baptiste Dubuque, the village Commandant, authored a petition to Congress on behalf of their community.<sup>412</sup> They demanded protection from Dorsey Pentecoste, a Colonel in the Virginian Army, who was accused of devising a plan to dispossess French-speaking inhabitants of their lawful property.<sup>413</sup> The complaints stemmed from a land transaction between George Rogers Clark and Pentecoste the previous year, which allowed Pentecoste to amass what he estimated to be twelve thousand

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<sup>408</sup> “Petition: [July?] 14 1787,” Perrin Collection, Springfield, Illinois: Illinois State Archives p. 50 #119.

<sup>409</sup> Ibid.

<sup>410</sup> “Court Record: September 17, 1787,” Perrin Collection, Springfield, Illinois: Illinois State Archives p. 45 #13.

<sup>411</sup> Ibid.

<sup>412</sup> “Inhabitants of Cahokia to Congress, July 15, 1786,” *Cahokia Records*, 581-589. Outside of the Commandant, Baptiste Dubuque, the signatories were all magistrates elected the month before: Mathieu Saucier, Joseph Lapancé, Clément Alarie, Jean-Baptiste Hubert Lacroix and Louis Chatel. “Election, June 6, 1786,” *Cahokia Records*, 241.

<sup>413</sup> H.J. Eckenrode, *List of the Revolutionary Soldiers of Virginia*, Special Report of the Department of Archives and History for 1912, Virginia State Library, 237.

acres of real estate outside Cahokia.<sup>414</sup> The sale was problematic for a number of reasons. The petitioners argued that the land in question served “from all time” as a commons for the village of Cahokia and provided crucial space for livestock. Second, the land was sold without the knowledge or permission of the community despite its designation as a common space, which arguably rendered Clark’s and subsequently Pentecoste’s claim of ownership void.<sup>415</sup> Third, the concessions that the Court of Cahokia awarded to newly arrived settlers were “not to exceed ten *arpents* in width and four hundred and forty *arpents* in area.”<sup>416</sup> Pentecoste’s claim of a significantly larger purchase thus would have set an unwelcome precedent. Although Pentecoste expressed to Cahokia magistrate Jean-Baptiste Lacroix that “it is not my Intent to disturb any person either settled within the bounds or that tend fields,”<sup>417</sup> the French-speaking residents of Cahokia were decidedly disturbed.

Throughout the 1780s, the court of Cahokia used land tenure as a mechanism of control and leverage as the Mississippi Valley transitioned to American government. The sale of the Prairie du Pont commons occurred without community oversight or consultation and demonstrated a disregard for French land use. Land ownership was a critical aspect of French culture in the Mississippi Valley that served both social and commercial functions within the community.<sup>418</sup> A congressional proclamation delivered on September 22, 1783, five years after the Virginian takeover, marked the first safeguard for residents of the Illinois Country. The proclamation explicitly prohibited:

All persons from making settlements on lands inhabited or claimed by  
Indians without the jurisdiction of any particular State, and from

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<sup>414</sup> “Pentecoste to Lacroix, November 16, 1785,” *Cahokia Records*, 622.

<sup>415</sup> “Inhabitants of Cahokia to Congress, July 15, 1786,” *Cahokia Records*, 581.

<sup>416</sup> *Ibid.*, 585.

<sup>417</sup> “Pentecoste to Lacroix, November 16, 1785,” *Cahokia Records*, 622.

<sup>418</sup> Brown, *History as They Lived It*, 128.



purchasing or receiving any gift or cession of such land or claims without the express authority of the United States in Congress assembled.<sup>419</sup>

The proclamation legally restricted new settlement in the Mississippi Valley and provisionally protected French-speaking inhabitants from rampant land speculation.<sup>420</sup> Another four years passed before definitive protections were administered for the preservation of French property. The Northwest Ordinance of 1787 outlined new regulations for a system of government in the west, and made provisions for the preservation of property rights and religious liberty.<sup>421</sup> The Illinois Country became part of the newly incorporated Northwest Territory, which spanned “the vast region lying west of Pennsylvania, north of the Ohio River, east of the Mississippi, and south of the Great Lakes.”<sup>422</sup> The Northwest Ordinance, however, reflected American lawmakers’ continued ignorance of the French settlements and old French laws that were still in use in the Illinois Country. According Carl J. Ekberg, the complexities of French land tenure remained unresolved and the legality of French slavery was called into question; Article 2 recognized the right of French-speaking inhabitants to maintain all previous property, while Article 6 criminalized slavery in the western territory.<sup>423</sup> African and Indigenous slaves had continued under the French *Code Noir* in the Illinois Country after the end of the French regime, and slaves were a considerable source of wealth of French-speaking settlers. Thus Articles 2 and 6 of the Northwest Ordinance contradicted each other insofar as slaves were concerned. The property claims of French-speaking inhabitants residing in the Mississippi Valley were not

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<sup>419</sup> Donaldson, 240.

<sup>420</sup> Clarence Walworth Alvord estimated that approximately 150 Americans settled in the Mississippi Valley during and after the American Revolutionary War in spite of the proclamation. *The Illinois Country*, 359.

<sup>421</sup> Hill, 49-51.

<sup>422</sup> Vernon Carstensen, “Patterns on the American Land,” *Publius* 18 no 4, Land and Liberty in American Society: The Land Ordinance of 1785 and the Northwest Ordinance of 1787 (Autumn: 1988): 33.

<sup>423</sup> Ekberg, *French Roots in the Illinois Country*, 241.

legally affirmed under the American government until the arrival of Arthur St. Clair, the appointed governor of the Northwest Territory, in 1790.<sup>424</sup>

In the years before St. Clair's arrival at Kaskaskia, the court of Cahokia controlled and authorized property settlement in the Cahokia district. Since the federal government continued to prohibit new settlement, newly arrived Americans relied on the court of Cahokia to legitimize new land claims in the middle Mississippi Valley. In their petition to Congress, inhabitants of Cahokia urged the members of Congress to annul all previous concessions awarded to Pentecoste and permit the court to award him with a standard sized lot, to avoid a tyrannical land monopoly and restore inhabitant patrimony.<sup>425</sup> According to the petition:

The court of this district of Cahokia has taken on itself to concede to each single American or other, who has newly arrived in this country and wished to settle here, land in our district of the width of ten arpents and with an area of four hundred and forty arpents. We do not exceed this quantity in order to manage the land so that we can each have some and we may be strengthened by our number of inhabitants and so sheltered from the attacks of the savages.<sup>426</sup>

The court of Cahokia specifically awarded property according to French settlement patterns, and described the longlot size and width as the standard for new American grants.<sup>427</sup> For example, on February 7, 1786, Benjamin Rogers appealed to the French-speaking magistrates for a concession to his property at Grand Ruisseau, which he had built and worked upon.<sup>428</sup> The property adhered to the settlement pattern of French-speaking inhabitants, measuring at "one

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<sup>424</sup> Arthur St. Clair attained the rank of General during the American Revolutionary War and was appointed governor of the Northwest Territory on July 15, 1788. The Continental Congress ordered him to travel to the territory a month after his appointment, but he delayed his travel until 1790. Hammes, "Land Transactions in Illinois Prior to the Sale of Public Domain," 108.

<sup>425</sup> "Inhabitants of Cahokia to Congress, July 15, 1786," *Cahokia Records*, 587.

<sup>426</sup> Ibid.

<sup>427</sup> Ekberg, *French Roots in the Illinois Country*, 6-9.

<sup>428</sup> "Court Record: February 7, 1786," Perrin Collection, Springfield, Illinois: Illinois State Archives, p. 46 #40.

third of a league in width by depth that will aggregate four hundred and forty arpents in area.”<sup>429</sup>

In order to become a “new settler in this district” and ensure the valid ownership of his property, Rogers was required to submit his claim to the Court of Cahokia.

The Pentecoste controversy also indicated the challenge in maintaining solidarity within the French-speaking community. Father Pierre Gibault was the original vendor of the Pentecoste property, having sold the property to a Virginian officer named Stephen Trigg on May 7, 1779, who then transferred the land to his military commandant, George Rogers Clark.<sup>430</sup> The petitioners condemned Gibault’s actions, claiming that he “has made this concession fraudulently and against the public good faith”<sup>431</sup> and deceived both the villagers and Clark. While the sale of commons property was eventually overturned by U.S. Land Commissioners, Gibault’s involvement was significant.<sup>432</sup> Gibault was leading member of the French-speaking community and was cognizant of the complexities of traditional open-field agriculture and the cooperative use of the common fields.<sup>433</sup> Petitioners contended that “never has any priest interfered or dared to assume such an authority,” a privilege which was restricted to the commissary, commandant, or elected village judiciary.<sup>434</sup> The claim portrayed Gibault’s actions as an aberration and the village as tightly regulated. In this context, however, the petition’s assertions also omitted mention of an ongoing controversy over the unauthorized sale of the property belonging to the Seminary of Foreign Missions. The contentious transaction was arranged by Gibault’s predecessor, Father Jacques François Forget du Verger, during the transition from French to

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<sup>429</sup> Ibid.

<sup>430</sup> “Sale of Land by Father Gibault, May 7, 1779,” *Kaskaskia Records*, 77-79.

<sup>431</sup> “Inhabitants of Cahokia to Congress, July 15, 1786,” *Cahokia Records*, 581.

<sup>432</sup> Ekberg, *French Roots in the Illinois Country*, 63.

<sup>433</sup> Ekberg, “Agriculture, “Mentalités”, and Violence on the Illinois Frontier,” 103.

<sup>434</sup> “Inhabitants of Cahokia to Congress, July 15, 1786,” *Cahokia Records*, 583.

British government and was before the court again at the time of the 1786 petition.<sup>435</sup> The controversial land sales challenged the rigid dichotomy between French and American conceptions of land ownership in the 1780s, and demonstrated that, when beneficial, some French-speaking residents also subscribed to American land settlement patterns.

Throughout the 1780s, the French-speaking village of Cahokia employed the strict administration and imposition of French social norms to survive. The community regulated the American population at Grand Ruisseau, managed property, and maintained order throughout the district of Cahokia through the regulation and projection of French principles and values. A protectionist outlook was adopted in response to the political turmoil at the neighbouring village of Kaskaskia, and to a lesser degree, Vincennes and the Ohio River Valley. The Catholic Church and the Cahokia court system were key institutions that administered the community and filled the “vacuum of authority” in the Mississippi Valley. Through persuasive and coercive measures, Anglo-Americans who settled in the Cahokia district were integrated into the French community and social mores. They were mandated to participate in Catholic tithe, to appear before a French-speaking court, and to settle according to French settlement patterns. French-speaking residents were also compelled to operate according to deeply rooted customs and regulated one another in an attempt to maintain village society. The coordinated system of land usage required French consensus to function, which was facilitated by the Cahokia court and its residents. The attempted Anglo-American revolt at Grand Ruisseau demonstrated the vulnerability of the stability at Cahokia, which relied upon community consensus and support. French-speaking

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<sup>435</sup> November 5, 1763, Father Forget, a priest of the Foreign mission and then Vicar-General of the Diocese of Quebec, approved the sale of mission property to Jean Baptiste Lagrange. French-speaking inhabitants attempted to block the transaction and successfully raised questions about the legitimacy of the agreement. The matter of ownership remained unresolved until 1786, when the case was revived at the court of Cahokia and resulted in favour of the parish. “Sale of Mission Real Estate by Father Forget du Verger, 5 November 1763.” *Old Cahokia*, 81-83; “Protest Against the Sale of the Property of the Mission by Cahokians, October 31, 1763,” *The Critical Period* (Springfield: Illinois State Historical Society, 1915): 45-47; McDermott, *Old Cahokia*, 24-25.

residents of Cahokia recognized that the ideals of American liberty and citizenship could not be realized in a vacuum of authority and instead, survived and strategically adapted to the period of political uncertainty through the projection and administration of French culture.

## Conclusion

On February 14, 1786, Marguerite Beaulieu addressed a petition to the Court of Cahokia.<sup>436</sup> She was involved in a bitter property dispute with Antoine Girardin over a tract of land “at a place called Sugar Loaf, a distance of about one and a half leagues from this village.”<sup>437</sup> The case centred on the legitimacy of two competing titles of ownership and jurisdiction.<sup>438</sup> The Cahokia missionaries first conceded the property to Beaulieu approximately twenty-three years earlier as the Illinois Country transferred from French to British government; the Court of Cahokia granted the property to Girardin on October 1, 1785 under American jurisdiction.<sup>439</sup> In his petition for title five months earlier, Girardin had claimed that “for a long time he has conceived a presence” at the property and presented his application as a formality, since the land was already in his possession.<sup>440</sup> Beaulieu belatedly challenged his application and

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<sup>436</sup> “Court Record: February 14, 1786,” *Cahokia Records*, 223. Marguerite Beaulieu (née Chauvin) was born in Ste. Phillippe in 1742 and educated in Quebec. Illinois Governor John Reynolds described Mme. Beaulieu as an influential resident of the Mississippi Valley and an “educated and intelligent” lady who became “director-general in moral and medical matters.” She was the widow of Michel Beaulieu dit Palmier, a former magistrate and prominent inhabitant of Cahokia, who died in 1780. John Reynolds, *The Pioneer History of Illinois* (Chicago: Fergus Printing Company, 1887), 347; John Francis McDermott, *Old Cahokia: A Narrative and Documents Illustrating the First Century of its History* (St. Louis: St. Louis Historical Documents Foundation, 1949): 51.

<sup>437</sup> “Court Record: October 1, 1785,” Perrin Collection, Springfield, Illinois: Illinois State Archives. Antoine Girardin was born in France in approximately 1728. He was elected justice at the Cahokia Court in 1779, 1785, and 1787, and acted as Commandant of the neighbouring village of Prairie du Pont. He was voted in as Commandant of Cahokia sometime in the summer of 1785 (see Perrin collection) until Dubuque replaced him sometime around July 1786 (CR 589), McDermott, *Old Cahokia*, 98, note 5; Alvord, *Cahokia Records*, 632, note 100. The Sugar Loaf property functioned as one of many maple “sugar camps” or sucrerie in the Cahokia district and produced maple sugar and syrup for exportation. Charles E. Peterson, “Notes on Old Cahokia: Part Three: American Domination,” *Journal of the Illinois State Historical Society (1908-1984)* 42 no. 3 (September 1949), 325-326; I. Lippincott, “Industry Among the French in the Illinois Country,” *Journal of Political Economy* 18 no. 2 (February 1910), 116-17. “Court Record: February 14, 1786,” *Cahokia Records*, 223.

<sup>438</sup> The question of ownership appeared to have been raised in correspondence with the beginning of the maple harvest season. Beaulieu and her supporters complained that “when the time to work on our sugar-farm came, we went thither and found M. Girardin, who forbade us to work or even to go there.” Clarence Walworth Alvord and Clarence Edwin Carter eds., *Invitation Serieuse aux Habitants des Illinois by Un Habitant des Kaskaskias* (Providence: Club for Colonial Reprints, 1908), 11.

<sup>439</sup> “Court Record: February 14, 1786,” *Cahokia Records*, 223; “Court Record: October 1, 1785,” Perrin Collection, Springfield, Illinois: Illinois State Archives. McDermott, *Old Cahokia*, 22-24.

<sup>440</sup> “Court Record: October 1, 1785,” Perrin Collection, Springfield, Illinois: Illinois State Archives.

argued that she was the rightful proprietor, equipped with title deeds that verified the legitimacy of her much earlier grant.<sup>441</sup>

The petition to restore the Sugar Loaf property to Beaulieu received significant support in the Cahokia community. The document listed forty-one signatures from residents, including those of leading citizens in the community and nine former magistrates.<sup>442</sup> They argued collectively that the second grant was founded on “misinformation which he [Girardin] made to you” and advised the magistrates that “this could only be prejudicial.”<sup>443</sup> Beaulieu and her supporters cited a number of hostile interactions with Girardin, who refused to acknowledge the earlier title and barred inhabitants from the property at issue. The signatories perceived his conduct and comments as an affront against the French-speaking community and legal system.<sup>444</sup> The Cahokia magistrates faced a difficult decision. Beaulieu was a prominent member of the French-speaking village and Girardin was a fellow justice and the Commandant of Cahokia, elected June 20, 1785.<sup>445</sup> Despite efforts to stall their judgment until the arrival of the anticipated American administration, Girardin successfully pressured the Cahokia magistrates into

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<sup>441</sup> “Court Record: February 14, 1786,” *Cahokia Records*, 223.

<sup>442</sup> The Beaulieu petition included signatures from members of two of Cahokia’s most influential families, the Trotters and Sauciers, and altogether nine former magistrates. Alvord named “the Sauciers, François Trotter, Antoine Girardin, and J.B.H. LaCroix” as the Cahokia “gentry.” Alvord, *Cahokia Records*, xx. Jean Baptiste Saucier was a former Cahokia magistrate, elected on May 20, 1784, his brother Mathieu was also voted magistrate for two consecutive terms, from June 6, 1786 until his resignation on August 18, 1788. “Election Results,” *Cahokia Records*, 167, 241, 297, 339. McDermott, *Old Cahokia*, 51. François Trotter was appointed Commandant during the British period and appeared to maintain his role of commandant throughout the American period. In an ordinance dated August 28, 1785, however, Girardin was referred to as “Commandant at the post of Cahokia.” “Ordinance of the Magistrates at Cahokia, August 28, 1785,” *Cahokia Records*, 573. Trotter also served as President of the Court at Cahokia between from 1779 until the summer of 1780. “Court Record: June 19, 1780,” *Cahokia Records*, 51. Former magistrates listed as signatories included: Philippe Gervais (elected 1780), Joseph Cesirre (elected 1781), Raphael Gagné (elected 1781), Gabriel Baron (elected 1782), Baptiste Baron (elected 1782), Joseph Lapancé (elected 1783), Jean Baptiste Dumay (elected 1784), Louis Chatel (elected 1784), Louis Pillet (elected 1784), each served a single elected term.

<sup>443</sup> “Court Record: February 14, 1786,” *Cahokia Records*, 223.

<sup>444</sup> Ibid.

<sup>445</sup> “Election: June 20, 1785,” *Cahokia Records*, 197.

delivering a verdict after delivering two separate petitions that demanded judicial action.<sup>446</sup> On March 31, 1786, the court of Cahokia reconsidered and ruled in favour of Antoine Girardin, which confirmed the precedence of the October concession.<sup>447</sup> Beaulieu was billed on April 27, 1786 for the cost of her failed lawsuit and paid eighty livres five days later.<sup>448</sup>

The Beaulieu vs. Girardin property case exposed community tensions at Cahokia and raised important questions about land tenure under the American government. A significant portion of the French-speaking population at Cahokia sided with Beaulieu and advocated for her ancient French claim to the Sugar Loaf estate.<sup>449</sup> The case marked the second property dispute under American jurisdiction where residents of Cahokia accused Girardin of violating the norms that regulated French land tenure in the middle Mississippi Valley. On April 23 1780, the inhabitants filed a petition at the Court of Cahokia that charged Girardin with subdividing and conceding property in the Cahokia commons without authorization, causing injury to the community.<sup>450</sup> The collective outrage over property ownership was significant and demonstrated that alongside the two institutions that regulated the French-speaking community, the judicial system and Catholic Church, Cahokia residents also engaged in the preservation of French social order en masse.

Carl J. Ekberg has argued that amid the arrival of Anglo-Americans in the middle Mississippi Valley “fundamental differences in two cultures — their settlement patterns, their

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<sup>446</sup> Ibid., 229; “Court Record: March 31, 1786,” Perrin Collection, pg. 45 #26; “Court Record: February 14, 1786,” *Cahokia Records*, 227.

<sup>447</sup> Ibid.

<sup>448</sup> “Court Record: May 2, 1786,” Perrin Collection, pg. 45 #4.

<sup>449</sup> A census taken the following year numbered the population of Cahokia at 240 male residents and male children. “Census of Cahokia, August 27, 1787,” *Cahokia Records*, 624-632. Alvord estimated that the total population was approximately 400 residents. Alvord, *The Illinois Country*, 375.

<sup>450</sup> “Court Record: April 23, 1780,” *Cahokia Records*, 89. Although the court initially ruled in favour of the petitioners, the magistrates resolved to dispense the arable land in the Cahokia commons amongst citizens in June of 1783, less than three years later. “Ordinance of the Court of Cahokia, June 11, 1783,” *Cahokia Records*, 565; Ekberg, *French Roots in the Illinois Country*, 63.



agriculture, and their mind-sets — were cast into sharp relief.”<sup>451</sup> Yet the Girardin property case demonstrated a gradual disregard for French settlement patterns among certain prominent members of that community’s elite. In both examples, the values and norms that regulated the village were displaced to further personal interests. The violation of land settlement norms was particularly harmful, as the common use of open fields was a “cooperative system” and required a “communal mode of thinking.”<sup>452</sup> In response, French-speaking inhabitants at Cahokia acted collectively and expressed the community’s disapproval. Within a larger context, the Girardin property case exhibited the difficulties experienced in the early stages of the long transition to and entrance into the fabric of the United States. French-speaking residents of Kaskaskia and Cahokia adapted to the American takeover at an uneven rate, and individuals such as Antoine Girardin subscribed to the individualistic settler mindset at a much faster pace for personal benefit. The pillars of the French-speaking community, the Church and state, mitigated these moments of conflict and controversy among residents and were the sources of stability in the midst of change.

The story of the French-speaking population that resided along the east side of the Mississippi River was one of survival, adaptation, and community, beyond the bounds of the French, British, Virginian, and American governments of the eighteenth century. Following the Virginian takeover of Kaskaskia and Cahokia in July of 1778, French-speaking inhabitants strategically adapted to the jurisdictional changeover in a variety of ways in order to protect their family and business interests. At the close of American Revolutionary War, the ambiguity of Church and state jurisdictions created a vacuum of authority in the American Illinois Country and events at Kaskaskia and Cahokia occurred in distinct contrast. As the political and

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<sup>451</sup> Ekberg, “Agriculture, “Mentalités”, and Violence on the Illinois Frontier, 102.

<sup>452</sup> Ibid., 110.

commercial hub on the east side of the Mississippi River, Kaskaskia attracted increased settlement from Anglo-American speculators and merchants as well as former Virginian military officers. The absence of the pillars of French society, the *Coutume de Paris* and the Catholic Church, expedited the breakdown of local civil government in the larger French-speaking community, which was not equipped to manage the influx of Anglo-American in a vacuum of authority. Against the backdrop of political upheaval at Kaskaskia, Cahokians employed and projected French customs to maintain order, manage property, and regulate the French and English-speaking populations. The viability of these frontier and borderland communities centred on institutions, such as the Church and the Court, which facilitated social cohesion and order. From 1778 to 1787, French-speaking communities of the middle Mississippi Valley negotiated the final transition from French and British subjects to American citizens, and the ensuing tensions between continuity and change. The French-speaking inhabitants of Kaskaskia and Cahokia actively and strategically participated in shaping their new political climate and negotiated the terms of American citizenship.

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